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19  
BRIDGES, HIGHWAYS, AND FLOOD CONTROL  
MISCELLANEOUS PROJECTS



HEARING  
BEFORE A  
SUBCOMMITTEE OF THE  
COMMITTEE ON PUBLIC WORKS  
UNITED STATES SENATE

EIGHTY-FIFTH CONGRESS

SECOND SESSION

ON

**S. 1081**

AMENDING THE ACT CREATING THE CLINTON (IOWA)  
BRIDGE COMMISSION

**S. 2793**

CONVEYANCE OF A PUMPING STATION OF INTRACOASTAL  
WATERWAY SYSTEM AT ALGIERS, LA.

**S. 3107**

PROVIDING FOR AUDIT OF BRIDGE COMMISSIONS

**S. 3405**

AUTHORIZING APPROPRIATION OF FUNDS FOR MEETING  
OF INTERNATIONAL ASSOCIATION OF NAVIGATION  
CONGRESSES

**S. 3712**

AUTHORIZING APPROPRIATIONS FOR RAMA ROAD IN  
NICARAGUA

**S. 3953 (H. R. 12776)**

CODIFICATION OF HIGHWAY LAWS

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## BRIDGES, HIGHWAYS, AND FLOOD CONTROL MISCELLANEOUS PROJECTS

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WEDNESDAY, JULY 9, 1958

UNITED STATES SENATE,  
SUBCOMMITTEE ON RIVERS AND HARBORS—FLOOD CONTROL  
AND SUBCOMMITTEE ON PUBLIC ROADS,  
*Washington, D. C.*

The subcommittee met, pursuant to notice, at 10:10 a. m., in room 412, Senate Office Building, Washington, D. C., Senator Robert S. Kerr presiding.

Present: Senators Kerr, Gore, McNamara, Jordan, Case, and Hruska.

Also present: Senators Hickenlooper, Martin, and Stennis, and Congressman Schwengel.

Senator KERR. The committee will come to order.

Due to the fact that the Finance Committee is writing up the Reciprocal Trade Act, and Senator Martin and myself and Senator Gore are compelled to be there, we are going to recess the hearings on the nominations to the TVA Board until next Monday morning. The hearings on these other matters will continue here.

A number of witnesses are here to make statements with reference to these two nominations. Any of them who cannot be here next Monday morning may file their statements with the reporter today and they will be included in and made a part of the hearings.

I want to say that I am quite hopeful that the negotiations between the city of Memphis and the TVA Board may be developed to the point that the committee can have a picture of their status on next Monday morning.

Senator Gore?

Senator GORE. I take it that your statement infers that negotiations between the TVA and the Memphis authorities will be opened and pursued.

Senator KERR. Well, what I said indicated——

Senator GORE. That you hope it will——

Senator KERR. That I hope that they will be well on the road to consummation on the basis that it will be equitable and satisfactory and that I would hope that next Monday when we reconvene that we may have information on the status of the negotiations at that time.

Senator GORE. Fine.

Senator CASE. Mr. Chairman, I wonder if it may be understood that the hearings that were held last year with respect to the nomination of Mr. Jones may be considered a part of this hearing or this may be a continuation of that.



Senator KERR. I would say that we would regard this as a continuation of that so that they would certainly be in this record and this in that record.

Senator CASE. And may the presence of both Mr. Jones and Dr. Welch at the hearing this morning be noted.

Senator KERR. Yes; I have talked with Mr. Jones and he tells me that he can be here next Monday and, Doctor, is that convenient with you?

Mr. WELCH. Yes.

Senator CASE. I am sure the committee wants to reach an agreement so that you can go ahead with your meeting at the Finance Committee.

Senator KERR. Thank you.

Colonel, I would like for you to notify the governing board, whatever it is at Memphis, of what we have done here this morning and of the request that we made with reference to the negotiations on this contract.

Senator McNAMARA (presiding). We will hear first from Senator Hickenlooper. He is interested in bill S. 1081, and the witness this morning in connection with that is somebody that he will introduce, I take it.

Senator Hickenlooper?

Senator HICKENLOOPER. Thank you, Mr. Chairman.

We are very much interested in S. 1081 which is a proposed amendment to the Clinton Bridge Act which has created the City of Clinton Bridge Commission which is now operating.

Mr. Fred White, a former chief engineer for many years for the Iowa State Highway Commission, now retired, is a consultant to Clinton Bridge Commission. We have Mr. Mark Morris, who is chairman of the commission; Mr. Fred White, Mr. William Ellwanger, Mr. John Hansen, Mr. Paul Halloran as attorneys and members of the commission; and there are some representatives here of the Muscatine Bridge Commission, which is also interested in this particular legislation because it is affected by proposed legislation which was sent over by the Department of Commerce, known as S. 3107, which the Clinton Bridge Commission and the Muscatine Bridge Commission feel would be inimical to the successful continued operation of these two very successful commissions.

Senator Martin, my colleague from Iowa, will also be here very shortly. Congressman Talle of the Second Congressional District in Iowa which is affected by the Clinton Bridge Commission, unfortunately is laid up with a broken leg and can't be here, but he has authorized me to say that he concurs in the presentation that is made here.

Senator McNAMARA. Senator, we have a statement from the Congressman and, at this point, without objection, it will be made part of the record.

(The statement referred to is as follows:)

STATEMENT OF CONGRESSMAN HENRY O. TALLE, OF IOWA

Mr. Chairman, members of the committee, I appear in support of the bill, S. 1081. I introduced a companion bill in the other body, H. R. 4142.

This legislation would amend the act of December 21, 1944 (58 Stat. 846), as amended, which created the City of Clinton Bridge Commission, and authorized

said commission to acquire, construct, maintain, and operate a bridge or bridges across the Mississippi River at or near the cities of Clinton, Iowa, and Fulton, Ill.

The purpose of the bill is to facilitate the financing and construction by the commission of a new bridge across the Mississippi River north of the bridge recently completed by the commission. The new bridge will replace an existing structure, more than 60 years old, known as the Lyons-Fulton Bridge.

Other witnesses before this committee have outlined the necessity for this new bridge and the reasons why the amendments contained in the bill under discussion should be enacted. I am eager to add my support to these arguments and pray the committee will report this bill favorably so that construction on this badly needed bridge can get underway as soon as possible. The ever-increasing volume of traffic on the great cross-country highways crossing the Mississippi River at Clinton make it imperative that the construction be delayed no longer. Passage of this bill will enable the Clinton Bridge Commission to go ahead with orderly financing of the bridge, the construction of which will be a boon to the economy of Illinois and Iowa as well as to the entire Midwest.

Senator HICKENLOOPER. I knew he was going to send one over, I didn't know whether it had reached here.

Mr. White is an expert on these matters and is here to speak on behalf of the Clinton Bridge Commission this morning.

There are certain suggestions for proposed changes in one section of the proposed amendment. There seems to be some misunderstanding apparently, one of the departments at least, over at the other end of the avenue feels that S. 1081 is an attempt to free the bonds of the Clinton Bridge Commission from income tax and taxes of that kind. They are not now so freed, they are subject to tax, there is no intention on the part of the proposers, who are Senator Martin and myself, of S. 1081, to so free them from this taxation, but there is a tax problem on property tax there which is extremely troublesome in the working of this Bridge Commission and the successful meeting of the bonds and the eventual turning over of this bridge as a free and clear bridge to the States of Illinois and Iowa which is the ultimate intention.

Senator CASE. Mr. Chairman?

Senator McNAMARA. Senator Case?

Senator CASE. On that particular point, Senator Hickenlooper, I wonder if it concerns you at all that there might be some questions of the House accepting this bill or of its possible constitutionalities if we retain section 3 relating to taxation in this bill. Under the constitutional requirement that the bills dealing with revenue originate in the House of Representatives I have some fear on the basis of past experience that the House, the Speaker and the Ways and Means Committee, would decline to—

Senator HICKENLOOPER. There is that possibility, Senator Case. I am not an expert on that; I presume the House will take its own position on that. However, the hearings are here, and we would like the opportunity of presenting our views on this legislation and I would like, Mr. Chairman, if possible, for Mr. Fred White, who is the principal spokesman of the Commission to present his statements to you.

Senator CASE. Mr. Chairman, I don't want to interfere with that but I thought while Senator Hickenlooper was here—I don't know how long you will be here—Senator Martin, who used to be a member of the Ways and Means Committee of the House, is aware of how jealous they are of what they consider their prerogative. I just suggested that.

Senator HICKENLOOPER. I don't know.

I may say that I have 2 other committee meetings on, 1 of Atomic Energy and 1 of Foreign Relations this morning, both of which are taking up very important and somewhat controversial legislation and I am going to have to leave in just a few minutes if I may, but they have their experts here who can answer the questions far better than I could on any matter that the committee may have with respect to S. 3107 and the objections which we have to that as to why we feel it would be inimical to the successful operation of these projects which are already successfully going concerns.

Senator McNAMARA. Senator, we realize that you have to go to the other committee meetings. We are glad to have you appear here.

Our list here of people appearing for the other various bills list Mr. Mark Morris as chairman of the Clinton Bridge Commission.

Senator HICKENLOOPER. Well, Mr. Morris is right here.

Senator McNAMARA. You mentioned Mr. White; is he also here?

Senator HICKENLOOPER. Mr. Fred White is also here.

Senator McNAMARA. We will hear from Mr. Morris at this time, without objection.

Mr. Morris, we will be glad to hear from you.

Senator HICKENLOOPER. I hope that the committee can avail itself of the very expert and technical information which Mr. White has, who is a consultant to the commission.

I thank the chairman for the indulgence of the committee here.

Senator McNAMARA. We will be glad to hear from you, Mr. Morris.

## STATEMENT OF MARK N. MORRIS, CHAIRMAN, CITY OF CLINTON, IOWA, BRIDGE COMMISSION

Mr. MORRIS. Chairman Kerr, and members of the committee, my name is Mark N. Morris, and I am chairman of the Clinton Bridge Commission. I have served in that capacity since the commission was created by Public Law 526, 78th Congress, chapter 633, 2d session (S. 1159), as introduced by Senator Guy Gillette. The City of Clinton Bridge Commission operates the Lyons-Fulton Bridge on U. S. 30A, which was acquired in October of 1954, and the new Gateway Bridge on U. S. 30, which was opened to traffic on June 30, 1956.

It is my purpose in appearing before this committee to state the City of Clinton Bridge Commission's objections to the enactment of S. 3107.

### 1. ANNUAL AUDIT

This bill requires an annual audit of the books, accounts, and records of bridge commissions and authorities created by act of Congress, by independent certified public accountants. We are not opposed to such annual audits.

May I deviate from my statement just a minute and add that we are subject to a trust indenture. The Northern Trust Co. of Chicago is a trustee under our bond, and they require an annual audit as well as a monthly statement.

We are in favor of annual and monthly audits, and the City of Clinton Bridge Commission now requires annual and monthly audits of its books, accounts, and records by an independent firm of certified public accountants and has done so ever since it purchased the



two old bridges at Clinton and started the construction of a new bridge in 1954. Copies of each of these annual audit reports have been forwarded to the Bureau of Public Roads, the Illinois Division of Highways, and the Iowa State Highway Commission in accordance with the act creating the City of Clinton Bridge Commission.

While the commission's policy is to have monthly and annual audits of its books, accounts, and records by an independent firm of certified public accountants——

Senator CASE. Mr. Chairman, I hesitate to interrupt, but under the agenda we had scheduled the first bill, the one which involved the Bureau of Public Roads, and we have witnesses from the Bureau here and others. We went to S. 1081 because Senator Hickenlooper, we understood, wanted to be heard and present the witnesses on S. 1081. I take it that the witness is testifying on a different bill which hasn't come in at all or which isn't before the committee, and in every deference to the representatives who are here on the bill originally No. 1 on the calendar, I feel that the testimony at this time should be on the first bill which we were taking up in order to accommodate Senator Hickenlooper.

Senator McNAMARA. Of course, Senator Hickenlooper mentioned S. 3107 as well as 1081, and it appears that they are dealing with the same project, and I do not know how we can avoid having both of them more or less considered jointly, unless there is objection.

Senator CASE. May I ask how long the witness thinks it will take to present both bills.

Mr. MORRIS. It is going to take a little time if you will listen to it.

Senator CASE. I am sure that we want to give you a full opportunity to be heard, but we were taking it up out of order without conferring with Mr. Tallamy or others who are scheduled here for the first bill on the calendar.

Mr. MORRIS. I would be very glad to let Mr. White, who has a statement on the other bill, give his statement first.

Senator HRUSKA. I think that would be wise, Mr. Chairman. Mr. White's testimony, as I understand it, does bear directly on S. 1081, and Senator Hickenlooper's statement thereon was preliminary to Mr. White's testimony, and it would be more directly in line and in keeping with the thoughts expressed by the Senator from South Dakota to take Mr. White's testimony now.

Senator McNAMARA. All right. The Chair is merely trying to accommodate everybody involved. I want to point out for the record that we deviated from the regular order here at the suggestion of Senator Case, who thought that Senator Hickenlooper should be heard first, and I want to apologize to the other people who are here on bills that were listed to come up previously. But this is the situation we find ourselves in.

Senator CASE. It seems I was the guilty person in switching it around. I thought perhaps I ought to, in fairness to the others, call attention to it.

Senator McNAMARA. You say you want to step aside for Mr. White?

Mr. MORRIS. Yes, sir.

Senator McNAMARA. All right. We will be glad to hear from Mr. White at this time.

(S. 1081 is as follows:)

[S. 1081, 85th Cong., 1st sess.]

A BILL To amend the Act creating the City of Clinton Bridge Commission and authorizing said commission and its successors to acquire by purchase or condemnation and to construct, maintain, and operate a bridge or bridges across the Mississippi River at or near Clinton, Iowa, and at or near Fulton, Illinois, in order to make certain changes in the authority of such commission, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the first sentence of section 3 of the Act entitled "Creating the City of Clinton Bridge Commission and authorizing said commission and its successors to acquire by purchase or condemnation and to construct, maintain, and operate a bridge or bridges across the Mississippi River at or near Clinton, Iowa, and at or near Fulton, Illinois", approved December 21, 1944 (58 Stat. 846), as revised, reenacted, and amended, is amended by striking out "in said State" and inserting in lieu thereof "by said State".

SEC. 2. Section 5 of such Act is amended (1) in the first sentence thereof by striking out "negotiable serial bonds" and inserting in lieu thereof "negotiable bonds", and (2) in the proviso at the end of the fourth sentence, by striking out "twenty years" and inserting in lieu thereof "twenty-five years".

SEC. 3. Such Act is further amended by renumbering section 15 as section 16 and by inserting immediately preceding such section a new section as follows:

"SEC. 15. The bridge or bridges purchased or constructed under the authority of this Act shall be deemed to be Federal instrumentalities for interstate commerce, the postal service, and military and other purposes authorized by the Government of the United States, and said bridge or bridges and the income derived therefrom shall, on and after the effective date of this section, be exempt from all Federal, State, municipal, and local property and income taxation."

SEC. 4. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Senator McNAMARA. Mr. White, we have indicated that we are taking this up out of order for the people involved. You have a rather lengthy statement. Would you care to summarize it and have it all published in the record?

Mr. WHITE. Mr. Chairman, in order to save time and assist you in any way that I can, I would like to summarize.

Senator McNAMARA. All right, sir. At this point we will print your complete statement in the record and you can proceed in your own manner from there.

Mr. WHITE. Mr. Chairman, in addition to this statement on S. 1081 I have a factual statement which I have given to the committee clerk, which accompanies my formal statement.

Senator McNAMARA. Is it your desire that that statement also be printed in the record?

Mr. WHITE. I would appreciate it, Mr. Chairman, if it were.

Senator McNAMARA. Without objection, it will be so printed.

(The statements are as follows:)

#### STATEMENT OF FRED R. WHITE, OF AMES, IOWA

My name is Fred R. White. I live at Ames, Iowa. I am a civil engineer, formerly employed by the Iowa State Highway Commission, but now affiliated with Modjeski & Masters, consulting engineers, Harrisburg, Pa., and serving as a consultant to the City of Clinton Bridge Commission.

The City of Clinton Bridge Commission, created by act of Congress approved December 21, 1944, purchased both old Mississippi River bridges at Clinton, Iowa; dismantled and removed the old south bridge (built in 1893); built a new south bridge, and is now operating both the new south bridge and old north bridge. Constructed in 1891, the old north bridge is wholly inadequate for carrying the automobile and heavy truck traffic of the present day. It should be replaced by a new and modern bridge at the earliest practical date.



Careful analysis of the traffic which crosses the Mississippi River at Clinton, Iowa, the rate of income from the operation of the two bridges over the Mississippi River at Clinton, and the present financial status of the City of Clinton Bridge Commission leads to the conclusion that on or about July 1960 or 1961, the City of Clinton Bridge Commission could, if all of its toll revenues were devoted in bridge operation, maintenance, and financing, sell sufficient additional bonds to finance the construction of a new north Clinton bridge (or Lyons and Fulton Bridge, as it is locally called).

To do that would require some amendments to the Clinton Bridge Act, as amended. The amendments needed are set forth in S. 1081, now under consideration by your subcommittee. Section 1 of the said bill amends the Clinton Bridge Act by striking from the first sentence of section 3 of said act, relating to condemnation of right-of-way, the words "in said State" and inserting in lieu thereof the words "by said State." Under the Clinton Bridge Act, any proceedings by the City of Clinton Bridge Commission for the condemnation of right-of-way for the construction or operation of a bridge shall be conducted under the laws of the State in which such right-of-way is located. The purpose of this amendment is to provide that the proceedings for such condemnation by the bridge commission shall be the same as the proceedings by the State itself for the condemnation of right-of-way for a public State purpose.

Section 2 of the pending bill (S. 1081) would amend section 5 of the Clinton Bridge Act, as amended, in 2 particulars:

(a) By striking from the first sentence of said section 5 the words "negotiable serial bonds" and inserting in lieu thereof the words "negotiable bonds"; and

(b) By striking from the proviso at the end of the fourth sentence of said section the words "twenty years" and inserting in lieu thereof the words "twenty-five years."

Amendment (a) above would simply provide that any new bonds issued by the City of Clinton Bridge Commission need not be serial bonds. This amendment is necessary because of the fact that the revenue from any toll bridge operation varies unpredictably from year to year to such extent that serial bonds with fixed annual maturities based for their payment on such fluctuating toll revenue are not practical.

Amendment (b) above would provide that the maximum length of life of any refunding bonds issued by the City of Clinton Bridge Commission may be 25 years, the same as the maximum life of an initial issue of bonds by said commission. This amendment is necessary for the reason that the City of Clinton Bridge Commission on January 1, 1958, had outstanding a total of \$6,232,000 of bonds, some of which bonds, due to their serial feature, are maturing from year to year and the maximum maturity date of some of which bonds is July 1, 1979.

In the financing of the construction of a new north bridge at Clinton, the most practical procedure would be to call in and retire all of the present bonds which are then outstanding; put out a new bond issue sufficient to pay off all of the present bonds outstanding and also sufficient to pay for the construction of the new north bridge. To accomplish this purpose, under the present law, two types of bonds would have to be issued: (a) refunding bonds maturing in not over 20 years and (b) initial issue bonds maturing in not over 25 years to pay for the new north bridge. Under this proposed amendment, only one type of bond would have to be issued. They would all mature in not over 25 years.

Section 3 of the pending bill (S. 1081) would amend the City of Clinton Bridge Act by inserting therein a new section which would exempt the two Clinton bridges owned by the Commission "from all Federal, State, municipal, and local property and income taxation." This amendment is essential to the financing of a new north Mississippi River bridge at Clinton, Iowa, for the reason that approximately \$30,000 per year of Clinton bridge revenue is now going to the payment of local property taxes in Clinton County, Iowa, and in Whiteside County, Ill. Over the next 21 years (the remaining life of the presently outstanding Clinton bridge bonds) this approximate \$30,000 per year for local property taxes (if the local taxes should remain at that rate) will amount to approximately \$630,000. There is every reason to believe that these local property taxes levied against the Clinton bridges will increase sharply over the next few years. That is the trend. In fact there is good probability that if legislation such as is proposed in S. 1081 is not adopted, these local property taxes levied against the Clinton bridges will double within the next few years—to \$60,000 per year. At that annual rate, these local property taxes would

amount to a total of \$1,260,000 over the next 21 years. Such a local tax burden imposed on the Clinton bridge revenue would constitute a considerable handicap to the financing of a new North Clinton Bridge in the predictable future.

The Muscatine Bridge Act approved July 26, 1956 (Public Law 811, 84th Cong., ch. 743, 2d sess.), contains a precedent for this proposed amendment to the Clinton Bridge Act. This proposed amendment to the Clinton Bridge Act is a verbatim copy of section 14 of the said Muscatine Bridge Act.

This proposed tax amendment to the Clinton Bridge Act would have no effect whatsoever on Federal income taxes. Under a ruling by the Internal Revenue Service, the City of Clinton Bridge Commission now pays no Federal income tax for the reason that the said bridge commission has no net income. Likewise, this proposed amendment to the Clinton Bridge Act would have no effect whatsoever on the payment of State income taxes; in fact, the only effect of this proposed amendment to the Clinton Bridge Act would be to relieve the Clinton bridges, owned by the City of Clinton Bridge Commission, from local property taxes.

This matter of the levying of property taxes on publicly owned interstate bridges presents some queer aspects. It is a case of the public taxing its own property—feeding off of itself. To levy a property tax on any particular property, two factors or figures must be determined:

- (a) There must be a tax rate levied;
- (b) There must be a valuation placed on the property.

Under the Clinton Bridge Act, as well as under other similar bridge acts passed by Congress, the bridge commission cannot sell such bridge; it cannot give away such bridge until it is paid for; it cannot retain any of the revenue derived from the operation of such bridge. When such bridge is paid for, the bridge commission must give the bridge to the two States or other public body authorized to accept the same. If the bridge commission is unable to find anyone who will accept such bridge, then the bridge commission shall continue to maintain and operate such bridge, but shall reduce its toll rates so as to produce only enough revenue to pay the annual maintenance and operation expenses. Just what is the value of such property? How would one go about determining the value of such property?

A local property tax levied on a publicly owned interstate bridge, where there is no monetary profit to the public derived from the earnings of the said bridge, becomes for all practical purposes a tax on interstate commerce although it may or may not be clothed in all the legal trappings of such tax.

These matters are discussed more fully in a factual statement concerning the Clinton bridges which is being submitted to supplement this brief statement.

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## FACTUAL STATEMENT

### 1. CLINTON BRIDGE LAWS

The laws relating to the City of Clinton Bridge Commission are embodied in four acts of Congress as follows:

- (a) *Public Law 526, 78th Congress, chapter 633, 2d session, approved December 21, 1944*

This is the basic Clinton (Iowa) Bridge Act. It created the City of Clinton Bridge Commission and empowered said commission to purchase, condemn, or construct a bridge or bridges over the Mississippi River at or near the cities of Clinton, Iowa, and Fulton, Ill.; to pay for such bridge or bridges through the issue of revenue bonds; to maintain and operate such bridge or bridges and to collect tolls on the traffic crossing such bridge or bridges to provide revenue to pay for the maintenance and operation thereof and to pay interest on and retire the principal of bonds issued for or on account of any such bridge or bridges.

- (b) *Public Law 357, 79th Congress, chapter 203, 2d session, approved April 23, 1946*

This act revived and reenacted the act approved December 21, 1944, which had expired under the statute of limitation.



(c) *Public Law 220, 81st Congress, chapter 416, 1st session, approved August 10, 1949*

This act revived and reenacted the act approved December 21, 1944, which had again expired under the statute of limitation. This act, approved August 10, 1949, also amended and rewrote section 5 of the said act approved December 21, 1944, relating to the revenue bonds to be issued by the City of Clinton Bridge Commission, which section had been found to be defective.

(d) *Public Law 70, 83d Congress, chapter 129, 1st session, approved June 18, 1953*

This act revived and reenacted the act approved December 21, 1944, as amended, which act had again expired under the statute of limitation.

## 2. THE MISSISSIPPI RIVER BRIDGES AT CLINTON, IOWA-FULTON, ILL., IN 1944

In 1944, when the basic Clinton Bridge Act was approved, there were two privately owned toll highway bridges over the Mississippi River in the Clinton, Iowa-Fulton, Ill., area. These bridges were about 2½ miles apart. (See chart.) The North Bridge was owned by the Lyons & Fulton Bridge Co. It was known locally as the Lyons and Fulton Bridge or as the North Bridge. It was completed and opened to traffic in 1891. The South Bridge was owned by the Clinton & Illinois Bridge Co. It was known locally as the Clinton and Illinois Bridge or as the South Bridge. It was completed and open to traffic in 1893.

Both of these bridges were narrow. Each had a roadway 16 feet 9 inches wide between curbs. Each bridge was built on poor alinement. The load-bearing capacity of each bridge, as originally built, was far below the requirements for present motor-vehicle traffic. The North Bridge had been strengthened to some extent. The South Bridge had not.

## 3. PROGRESS BY CITY OF CLINTON BRIDGE COMMISSION

Postwar shortages and other circumstances beyond control of the Clinton Bridge Commission prevented early action on the acquisition or construction of the Clinton bridges. In 1954, negotiations were completed for the purchase of both of the old Mississippi River bridges at Clinton. Bids were received and contracts were let for dismantling and removing the old south bridge and constructing a new south bridge. Two bond issues, aggregating \$7,700,000 were sold to finance these bridge purchases and bridge construction contracts. The old north bridge was strengthened and kept open to carry all the traffic during the construction of the new south bridge.

The new south bridge was completed and opened to traffic on June 30, 1956. It was named the Gateway Bridge. The old north bridge is still being operated. It is open and available for the use of whatever legal vehicles desire to cross the Mississippi River at that point.

## 4. TRAFFIC AND TOLLS

During the calendar year 1957, a total of 2,568,636 vehicles crossed the Mississippi River on the 2 bridges at Clinton. That is an average of 7,037 vehicles per day. The total gross vehicular tolls for the 1957 calendar year were, \$875,920.45, or an average of \$2,399.78 per day. For both bridges combined, the average toll per vehicle was 34.1 cents. During the calendar year of 1957 the total number of vehicles crossing the Mississippi River in the Clinton-Fulton area was divided, 30.6 percent on the old north bridge and 69.4 percent on the new south bridge; the total vehicle tolls or revenue has been collected, 20.6 percent on the old north bridge and 79.4 percent on the new south bridge. The average daily receipts or revenue on both bridges combined during the 1957 calendar year were \$2,399.78, divided \$494.96 per day on the old north bridge and \$1,904.82 per day on the new south bridge.

In 1957 the average annual daily traffic over the old north bridge was 2,157 vehicles; the total vehicular traffic over the old north bridge was 787,234 vehicles; the total vehicular tolls collected was \$180,661.60 and the average toll per vehicle was 22.95 cents. On the new south bridge during the calendar year 1957, the total traffic was 1,781,402 vehicles; the average annual daily traffic was 4,880 vehicles; the average toll per vehicle was 39.03 cents and the total toll revenue collected was \$695,258.85.

## 5. BONDS ISSUED, INTEREST

The bonds issued in 1954 on the two Clinton bridges were as follows:

Series A bonds-----	\$6, 800, 000
Series B bonds-----	900, 000
Total bonds issued-----	7, 700, 000

The interest rates on these bonds are: Series A bonds 4 percent; Series B bonds 3.85 percent. The last of these bonds mature in 1979.

## 6. RETIREMENT OF BONDS

During 1957, \$1,468,000 of these bonds were retired. About \$450,000 of the funds for the retirement of these bonds came from the residue of the funds derived from the bonds sold in 1954 and not expended in the construction of the new bridge. The remaining \$1,018,000 of the funds used to retire these bonds came from tolls collected on traffic crossing the bridges.

## 7. OPERATION AND MAINTENANCE EXPENSE

Operation and maintenance of the two Mississippi River bridges at Clinton is costing at the rate of about \$166,000 per year, or an average of \$455 per day.

## 8. COST OF NEW LYONS-FULTON BRIDGE

No detailed estimate of cost of a new Lyons-Fulton Bridge is available. From information available it is believed that such a new bridge would, on present prices, cost approximately \$5,500,000.

## 9. NEW NORTH BRIDGE NEEDED

A new bridge is needed over the Mississippi River at or near the location of the present north bridge (the Lyons and Fulton Bridge). The present bridge is now 67 years old. It was built long before the automobile and the big heavy motortruck appeared on our highways. It is just barely wide enough to permit two 8-foot-wide (legal width) vehicles to pass on its roadway. The remaining useful life of this bridge, without extensive overhaul and reconstruction, is limited to a relatively few years.

If this old north bridge should deteriorate to the point where it would have to be closed to traffic, or if it should fail, or if it should be dismantled and removed as provided in section 7 of the Clinton Bridge Act approved December 21, 1944, the distance of travel by motor vehicle between the business district of Lyons (north Clinton), Iowa, and the business district of Fulton, Ill., by way of the new south bridge, would be increased by about 5 miles. This increase in distance traveled between Lyons and Fulton would cost, in motor vehicle operation expense, about as much as the present bridge toll, to cross the north bridge. And, in addition, toll would have to be paid to cross the new south bridge until such time as that bridge is paid for and freed of tolls.

## 10. FINANCING CONSTRUCTION OF NEW NORTH BRIDGE

It would be impossible to finance the construction of a new north Clinton Bridge, as a toll bridge, on the present average toll rate (22.95 cents) per vehicle and on the present average annual daily traffic of 2,157 vehicles which cross the Lyons-Fulton Bridge, or even if the probable future growth and increase in that traffic is taken into account. There is believed to be no probability that the two States, Illinois and Iowa, would, in the predictable future, build or substantially aid in building a new north Clinton Bridge. The only way, certainly the most feasible and practicable way, to finance the construction of a new north Clinton Bridge is through the use of the net toll revenue from the present north Clinton Bridge, supplemented by some of the net toll revenue from the new south Clinton Bridge. That cannot be done after the new south bridge is paid for and becomes a free bridge as the law provides.

Estimates indicate that by using net revenue from both bridges as indicated above, and with relief from property taxes, as proposed in the pending bills, S. 1081 and H. R. 4142, the City of Clinton Bridge Commission could, in 1960 or

1961, sell enough additional bonds to pay for the construction of a new north bridge and then pay off its entire indebtedness by 1979—25 years after the first bonds were issued.

#### 11. LEGISLATION NEEDED

If the City of Clinton Bridge Commission is to undertake the construction of a new bridge over the Mississippi River in the Lyons (north Clinton)-Fulton area, some amendments are needed to the present Clinton Bridge law as outlined in the attached bill. This bill proposes four amendments to the Clinton Bridge Act approved December 21, 1944, as amended, as follows:

(a) In the first sentence of section 3 of the said act approved December 21, 1944, strike the words "in said State" and substitute in lieu thereof the words "by said State." Under the act as thus amended, the City of Clinton Bridge Commission in condemning privately owned real-estate or other property needed for the location, construction, operation or maintenance of a bridge or its approaches would proceed under the same laws and in the same manner as would the State (Iowa or Illinois, as the case might be) in which the said property is located if the State were condemning said property for a public purpose. Under the act approved December 21, 1944, as it now stands, the City of Clinton Bridge Commission in condemning private property would proceed the same as a railroad company or other private corporation which is authorized to exercise the power of eminent domain.

(b) In section 5 of said act, as amended, strike the words "negotiable serial bonds" and insert in lieu thereof the words "negotiable bonds"; and in the proviso at the end of the fourth sentence strike the words "twenty years" and insert in lieu thereof the words "twenty-five years." This amendment would facilitate the issue and sale of Clinton Bridge Commission revenue bonds for building a new north bridge (Lyons-Fulton Bridge), particularly in view of the fact that there are now outstanding two issues of Clinton Bridge Commission serial bonds issued to buy both of the old Clinton bridges and to build the new south bridge.

(c) Add to the act approved December 21, 1944, a new section No. 15, which would clearly exempt both the present Mississippi River bridges in the Clinton-Fulton area, owned by the City of Clinton Bridge Commission, "from all Federal, State, municipal and local property and income taxation," and would likewise exempt any new Lyons-Fulton Bridge that may be constructed by the Clinton Bridge Commission.

#### 12. PRESENT TAX SITUATION

At present, the tax situation with respect to these Clinton-Fulton bridges is as follows:

##### (a) *Federal income tax*

Under a ruling by the Federal Internal Revenue Service, the City of Clinton Bridge Commission pays no Federal income tax for the reason that it has no net income. All of the commission's gross income, over and above the cost of operating and maintaining the bridges must, by law, be used to pay interest and retire principal of bonds issued by the commission. When the bonds and other indebtedness of the commission are all paid, the commission must give the bridges to the two States.

##### (b) *State income tax*

For the same reason, the City of Clinton Bridge Commission now pays no State income tax in either Illinois or Iowa.

##### (c) *Municipal and local income taxes*

There are no municipal or local income tax laws in either Illinois or Iowa.

##### (d) *Property tax on South Bridge*

The old South Mississippi River Bridge was a privately owned toll bridge up to August 31, 1954. On that date, it was purchased and taken over by the City of Clinton Bridge Commission. For many years prior to its acquisition by the



Clinton Bridge Commission in 1954, the property tax on the old South Bridge at Clinton was approximately as follows:

	<i>Per year</i>
In Whiteside County, Ill.-----	\$1, 128
In Clinton County, Iowa-----	872

Approximate total----- 2, 000

Under the provisions of section 313.59 to 313.65, Code of Iowa, 1954, the Iowa State Highway Commission has entered into an agreement with the City of Clinton Bridge Commission to accept that portion of the new South Clinton Bridge located in the State of Iowa, when said bridge is paid for. There will, therefore, under section 313.61, Code of Iowa 1954, be no property or income taxes on this bridge in the State of Iowa.

On that portion of the new South Mississippi River Bridge at Clinton, located in the State of Illinois, Whiteside County, Ill., in 1957 levied property taxes payable in 1958 in the total amount of \$15,609.24.

(e) *Property tax on North Bridge*

The Lyons-Fulton Bridge was a privately owned toll bridge until October 22, 1954. It was purchased by the City of Clinton Bridge Commission on that date. From 1950 to 1953, the average property tax on the Lyons-Fulton Bridge was as follows:

	<i>Per year</i>
In Whiteside County, Ill. (Fulton)-----	\$12, 289
In Clinton County, Iowa (Clinton)-----	7, 405

Total----- 19, 694

Both the Illinois Division of Highways and the Iowa State Highway Commission have advised the City of Clinton Bridge Commission that they would not accept their respective portions of the present Lyons-Fulton Bridge as a gift.

The property taxes levied on the Lyons-Fulton Bridge in 1957, payable in 1958, are as follows:

In Whiteside County, Ill. (Fulton)-----	\$7, 887. 16
In Clinton County, Iowa (Clinton)-----	4, 937. 55

Total payable in 1958----- 12, 824. 71

(f) *Total 1958 property tax*

The total property tax levied in 1957, payable in 1958, on the two Mississippi River bridges at Clinton, Iowa-Fulton, Ill., owned by the City of Clinton Bridge Commission, created by act of Congress, approved December 21, 1944 is as follows:

Old Lyons-Fulton (north) Bridge:

In Whiteside County (Fulton) Ill-----	\$7, 887. 16
In Clinton County (Clinton) Iowa-----	4, 937. 55

New South (Gateway) Bridge:

In Whiteside County, Ill-----	15, 609. 24
In Clinton County (Clinton) Iowa-----	None

Total payable in 1958----- 28, 433. 95

Let us assume that this tax will remain at about \$30,000 per year during the next 21 years. That is the remaining life of the presently outstanding bonds issued by the City of Clinton Bridge Commission. By that time, the new South Bridge at Clinton will have been paid for and will have been freed of tolls. During that 21-year period, the local property tax on the two Clinton bridges will amount to a total of about \$630,000. That \$630,000, if retained and used by the Clinton Bridge Commission for bridge financing instead of being diverted to local property taxes as at present, could be the deciding factor in the Bridge Commission's ability to finance the construction of a new Lyons and Fulton (north) Bridge within the next few years.



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DISTANCE



Sheet No. 1

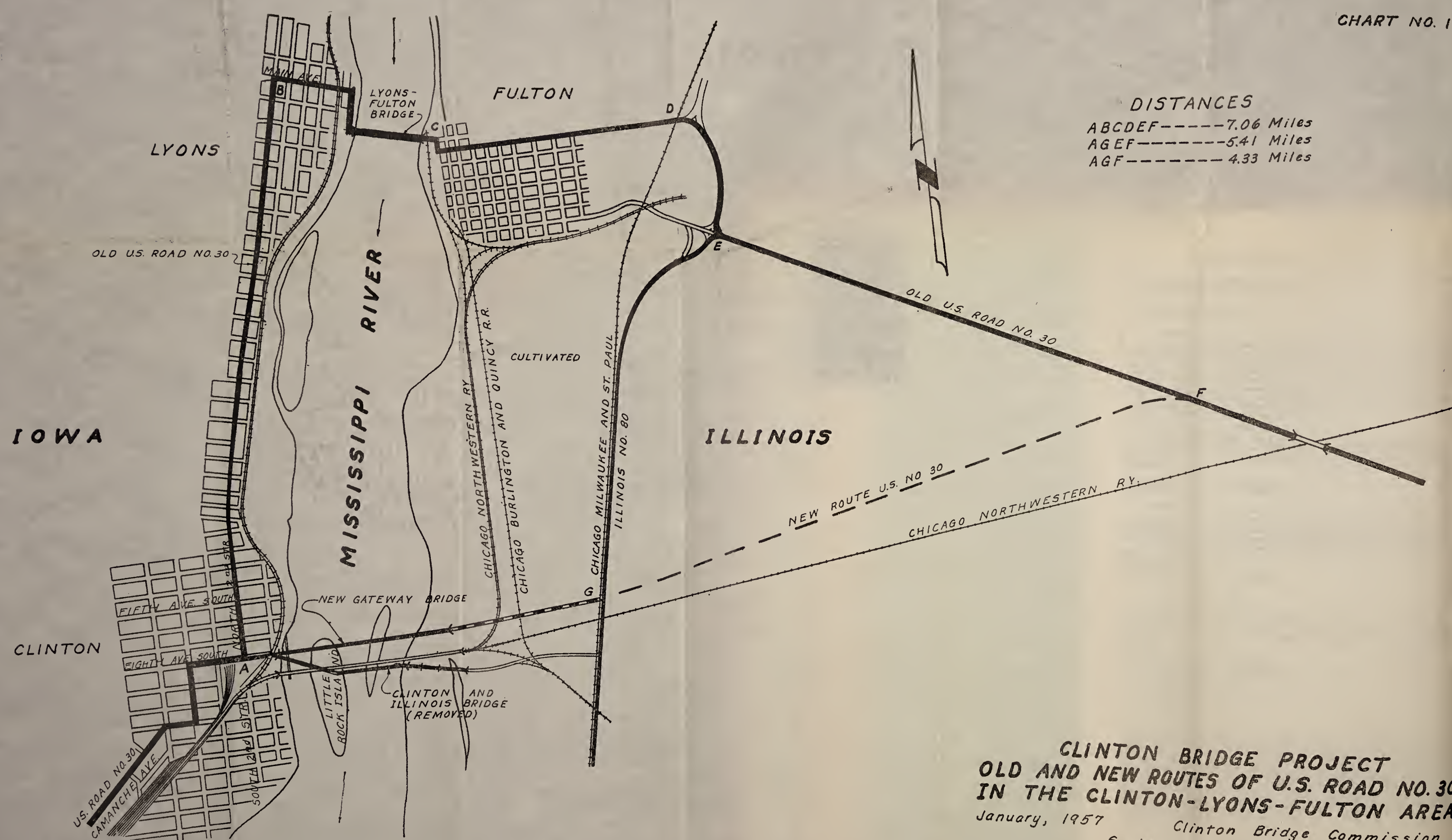
The following information is for the purpose of providing a general description of the project and the area involved. The project is a bridge over the U.S. Route No. 30, and the area is the Lyon-Fulton area. The bridge is a concrete structure with a single span. The area is a rural area with some small farms and a few houses. The project is a part of the U.S. Highway Program.

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ON BRIDGE PROJECT  
ROUTE OF U.S. ROAD NO. 30  
LYON-FULTON AREA

noted in the field notes  
1917 - 1918



DISTANCES

ABCDEF-----	7.06 Miles
AGEF-----	5.41 Miles
AGF-----	4.33 Miles

CLINTON BRIDGE PROJECT  
OLD AND NEW ROUTES OF U.S. ROAD NO. 30  
IN THE CLINTON-LYONS-FULTON AREA  
January, 1957  
Clinton Bridge Commission  
Scale: 1 inch = 1666 feet



## 13. PROBABLE INCREASE IN PROPERTY TAXES

There is good reason to believe that if this or similar legislation is not passed, the property taxes on the Mississippi River bridges in the Clinton-Fulton area will increase sharply in the next few years. The \$15,609 property tax on the Illinois portion of the new South Bridge, payable in 1958, will in all probability increase to \$30,000 per year or more, in the next few years. If a new Lyons and Fulton Bridge is built, the \$12,825 property tax on the present Lyons and Fulton Bridge, payable in 1958, would almost certainly be increased to \$30,000 per year or more on the new Lyons and Fulton Bridge, within a very few years after such new bridge is completed.

In that event, the property taxes on the two Clinton bridges would in a 21-year period amount to a total of \$1,260,000. That is quite a load of local taxes to be imposed on the interstate traffic which crosses these Clinton bridges. It could be the determining factor in the Clinton Bridge Commission's ability or inability to finance the construction of a new Lyons-Fulton Bridge within the next few years.

## 14. SCHEDULE OF TOLL RATES

The schedule of toll rates in effect on both of the Mississippi River bridges at Clinton, Iowa, is as follows:

Passenger car, driver, and any number of passengers, not over 7-----	\$0. 20
2-axle 4-tire truck-----	. 20
2-axle 6-tire truck-----	. 50
3-axle single-unit truck-----	1. 00
3-axle semitrailer combination-----	1. 00
4-axle semitrailer combination-----	1. 25
5-axle semitrailer combination-----	1. 50
Each additional axle over 5, additional toll over 5-axle rate-----	. 25
Passenger bus, over 7-passenger capacity-----	1. 00
Pedestrian or bicycle-----	. 05
Motorcycle-----	. 10
1-axle car trailer-----	. 10
2-axle car trailer-----	. 20
House trailer-----	. 50
United States Government officials, peace officers and members of fire department when in performance of official duties-----	Free

The toll rates are the same on both bridges. The average toll per vehicle paid on the new South Bridge is greater than the average toll per vehicle paid on the old North Bridge for the reason that a very large portion of the big, heavy trucks (which pay the higher toll rates) cross on the new South Bridge.

# STATEMENT OF FRED R. WHITE, MODJESKI & MASTERS, CONSULTING ENGINEERS, HARRISBURG, PA., AND CONSULTANT, CITY OF CLINTON BRIDGE COMMISSION

Mr. WHITE. Now, going first to the factual statement there is a chart or a map in there—I believe those are now being distributed to you—which gives you a picture of the situation at Clinton. I would particularly call chart No. 1 to your attention.

The remainder of the factual statement is made up of figures and statistics, and will be rather difficult to absorb.

I believe, if I understood correctly, Mr. Chairman, that in connection with Senator Hickenlooper's remarks there was some question as to the effect of section 3 of S. 1081 as to its relieving the Clinton bridge's of property taxation. Now, I have here a copy of the attorney general's opinion of the State of Iowa, in which he holds with respect to the Muscatine Bridge Commission, which law containing the section identical or practically identical with section 3 of S. 1081, that that section does relieve the Muscatine bridge of local taxation.

I will not read it. It is 10 pages long.

Senator HRUSKA. Mr. Chairman, may we, without objection, place that attorney general's opinion in the record at this point so that we may have access to it for further deliberations of the committee here?

Senator McNAMARA. Without objection it is so ordered.

(The opinion is as follows:)

STATE OF IOWA,  
DEPARTMENT OF JUSTICE,  
*Des Moines, April 10, 1958.*

Re Muscatine High Bridge.

Mr. ROBERT H. WILSON,

*County Attorney, Muscatine, Iowa.*

DEAR MR. WILSON: This is to acknowledge receipt of your letter addressed to the attorney general of Iowa wherein you ask our opinion on the following:

"There is presently located a bridge across the Mississippi River connecting Muscatine, Iowa, and the town of Drury, Ill., which bridge is presently owned by the Muscatine Bridge Corp., an Iowa corporation, with all the stockholders thereof residing in the State of Nebraska.

"On July 26, 1956, there was passed by the Congress of the United States, Public Law 811, 84th Congress, chapter 743, 2d session, H. R. 11010. Subsequent to the enactment of the above referred to act of Congress, there was created the Muscatine Bridge Commission, the members of which were duly appointed and qualified. The congressional act under section 7 provides that the commission shall convey its interest in and to the bridge to the State of Iowa and Illinois upon payment of the bonds or other obligation of the commission. Section 14 provides that the bridge or bridges purchased or constructed under the act shall be deemed to be Federal instrumentalities and the same shall be exempt from Federal, State, municipal, and local property and income taxes.

"Pursuant to the authority granted under the congressional act the Muscatine Bridge Commission entered into an agreement to purchase said bridge, which agreement was approved by the Iowa State Highway Commission on November 15, 1957, and by the State of Illinois, Department of Public Works and Building, Division of Highways, on October 16, 1957.

"Delivery of the physical possession of the bridge and transfer thereof to the Muscatine Bridge Commission, as per the agreement, is to be made on January 2, 1958.

"The Muscatine Bridge Co. is assessed in Muscatine County for personal taxes on its physical assets and the assessment of personal taxes for the year 1957, payable in 1958, are unpaid at this time. There is presented the following two questions:

"(1) Does the Muscatine County Board of Supervisors have any authority to abate, cancel, and/or set aside the personal property taxes for the year 1957, payable in 1958, as presently assessed against the said Muscatine Bridge Corp.?

"(2) Does the congressional act, Public Law 811, exempt the Muscatine Bridge Commission, buying the bridge under contract, from taxation of the assets in their hands from and after January 2, 1958?"

In answer to the inquiries set forth above, you are advised as follows:

# I

It is evident that if the assets in question are to enjoy any degree of immunity from State taxation, the exemption must of necessity stem from (1) the doctrine of governmental immunity, (2) the Iowa exemption statutes as they pertain to such property, or (3) the exemption provisions of the congressional act creating the Muscatine Bridge Commission.

Section 1 of Public Law 811, 84th Congress, chapter 743, 2d session (70 Stat. L. 669), the act creating the Muscatine Bridge Commission provides in part as follows:

"\* \* \* For like purposes said commission \* \* \* may acquire control of any such existing bridge by purchase of stock in any corporation owning any such bridge \* \* \*."

Paragraph III of the contract for sale provides in part as follows:

"The 'Sellers' agree to sell to the 'Commission' which agrees to buy on the closing date all of the capital stock of the 'Company' consisting of 350 shares of common stock, free of all liens and encumbrances and with adequate stock transfer revenue stamps affixed, for the sum of five hundred thousand dollars



(\$500,000.00) and interest on unpaid principal balance and any unpaid interest to be due and payable monthly on the 15th day of each month as follows: \* \* \*

In view of the foregoing, it is apparent that the Muscatine Bridge Commission is not buying the physical assets of the Muscatine Bridge Co. as such, but is merely purchasing its capital stock. After the sale of the stock, the physical assets in question will still remain the property of the Muscatine Bridge Co. and the bridge company will in effect be a subsidiary of the commission.<sup>7</sup>

At first glance this situation would seem to raise a question as to whether the doctrine of governmental tax immunity could apply under any circumstances as the commission will not be the owner of the physical assets, but will instead be merely the owner of stock in a private corporation. In light of *Graves v. New York* (306 U. S. 466, 83 L. ed 927, 59 S. Ct., 595, and *New York ex rel. Rogers v. Graves*, 299 U. S. 401, 81 L. ed 306, 57 S. Ct., 269), however, this becomes a moot question as these cases establish the principle that if the Federal Government lawfully acts through a corporation whose stock is wholly owned by the United States the corporation activities are governmental functions entitled to whatever tax immunity attaches to them when carried on by the Government itself.

Public Law 811, supra, the congressional act which gives being to the Muscatine Bridge Commission, in all major respects but one, is substantially similar to 76th Congress, chapter 318, 1st session (53 Stat. L. 1051), the act which gave being to the City of Dubuque Bridge Commission. The only major distinction between these two acts is that the latter had no clause granting any degree of tax immunity while section 14 of the enabling act creating the Muscatine Bridge Commission provides:

"The bridge or bridges purchased or constructed under the authority of this act shall be deemed to be Federal instrumentalities for interstate commerce, the postal service, and military and other purposes authorized by the Government of the United States, and said bridge or bridges and the income derived therefrom shall be exempt from all Federal, State, municipal, and local property and income taxation."

It is well settled that in the absence of an express grant of immunity by Congress the assets of a bridge commission such as the one at hand is subject to Iowa property tax. (See appeal of City of Dubuque Bridge Commission, 1942, 232 Iowa 112, 5 N. W. 2d 334.) In this case a question was raised regarding the taxability of the Dubuque Bridge Commission, the enabling act of which is referred to above. The Iowa Supreme Court held that a bridge owned by such a commission is not immune from State taxation under the doctrine of governmental immunity where such taxation would not impose any substantial burden upon, or interfere with the governmental functions of the United States. The court further held that (1) the fact that State taxation may postpone the time when a toll-free interstate bridge may be operated by the Commission, (2) the fact that the bridge may be used by the Federal Government in common with individuals and corporations, or (3) the fact that the Commission was created by Congress under its powers to regulate interstate commerce does not render the bridge immune on the theory that State taxation would interfere with the exercise of a governmental function by the Federal Government. The court also held that the bridge in question was not exempt from taxation under the provisions of subsection 1 of section 6944, Code of Iowa, 1939 (now subsection 1, sec. 427.1, Code of Iowa, 1954) which provided:

"The following classes of property shall not be taxed:

"1. Federal and State property. The property of the United States and this State, including university, agricultural college, and school lands."

In so holding the court expressly stated that the Dubuque Bridge Commission was not an instrumentality or agency of the Federal Government.

Subsequent to the Dubuque Bridge Commission case, however, subsection 1 of section 6944, Code of Iowa, 1939 (now subsection 1, sec. 427.1, Code of Iowa, 1954) was amended by chapter 210, section 2, Act 50th General Assembly, by adding the following:

"\* \* \* The exemption herein provided shall not include any real property subject to taxation under any Federal statute applicable thereto, but such exemption shall extend to and include all machinery and equipment owned exclusively by the United States or any corporate agency or instrumentality thereof without regard to the manner of the affixation of such machinery and equipment to the land or building upon or in which such property is located, until such time as the Congress of the United States shall expressly authorize the taxation of such machinery and equipment."

It is apparent, however, that this amendment did not affect the taxable status of the Dubuque Bridge Commission, for, as pointed out above, the court expressly held it was not an instrumentality or agency of the Federal Government.

In view of the foregoing, it is apparent that if the Muscatine Bridge Commission is to enjoy any degree of immunity from taxation, such immunity must of necessity stem from its enabling act. As pointed out above, section 14 of the act in question does grant limited immunity. Therefore, the only remaining issue is the effect of such a declaration of exemption by the Congress of the United States.

Since the United States Supreme Court decision in *Carson v. Roan-Anderson Co.* (342 U. S. 232, 96 L. ed. 257, 72 Sup. Ct. 257), it is well settled that Congress has authority to exempt Federal agencies or commissions from State taxation, and the scope of the congressional power to create such exemptions is independent of the scope of implied constitutional immunity from such taxation. It is equally well settled, however, that legislative enactments passed for the purpose of exempting property from taxation must be strictly construed, and if there is any doubt upon the question it must be resolved against exemption and in favor of taxation. The exemption is not to be made by judicial construction, but anyone claiming exemption from taxation under a particular legislative enactment must show clearly that the property is exempt within the terms of the constitution and the statute. *Lamb v. Kroger* (233 Iowa 730, 8 N. W. 2d 405); *Providence Bank v. Billings* (29 U. S. 514, 7 L. ed. 939); *Hale v. Iowa State Board of Assessment and Review* (302 U. S. 95, 82 L. ed. 72, 58 Sup. Ct. 102).

With the foregoing in mind it is evident that the Muscatine Bridge Commission may enjoy immunity from State taxation only to the extent such immunity is provided for by section 14 of its enabling act supra.

Congress in enacting section 14 expressly enumerated the property which is exempt from State taxation. The exemption granted the Commission is clear and unequivocal and includes only the bridge, which under section 427.13, Code of Iowa, 1954, is considered real property for the purposes of taxation, and the income derived therefrom. No provision of the act in question provides for the exemption of personal property, and in view of the rules of statutory construction set forth above, it is therefore apparent all personal property other than the income from the bridge, belonging to the Commission is subject to taxation.

## II

Turning now to the taxable status of the bridge in question during the year 1958 you are advised as follows:

Section 444.9, Code of Iowa, 1954, provides that the board of supervisors shall annually at their September session, levy the tax for ordinary county revenue upon the assessed value of all taxable property within the county, and the Iowa Supreme Court has repeatedly held that ownership of real property on the date of levy is the controlling factor in determining its taxable status for any given year.

In the case of *Gates v. Wirth* (181 Iowa 19), the Supreme Court of Iowa was asked to determine whether a remainderman or the life tenant is liable for taxes for the year 1913, payable in 1914, where the life tenant died August 15, 1913. The Supreme Court held that the remainderman was liable for these taxes since the levy was not made until September 1913, even though the property was assessed to the life tenant in January 1913. At page 23, the Court stated:

"Not until the board of supervisors has acted does the owner of the land rest under any obligation to contribute any particular amount, in order to discharge his land from the obligation to contribute revenue to the Government for that year. The amount, not being fixed, cannot be known until the board of supervisors has acted. The amount to be paid and the obligation to pay that particular amount is then fixed for the first time, and it then, as between the landowner and the State, becomes a lien upon the particular property against which the tax is lodged, and that lien continues, if we may call it a lien, as a claim against the land on the part of the State until discharged."

At page 26, the Court went on to state:

"The duty to pay, in order to discharge the land, as between title owners, rests, generally speaking, on the owner of the land at the time the annual tax to be levied is actually ascertained, fixed, and levied, and this obligation to pay in no



event arises until the work of the board of supervisors is completed, in September."

In the case of *Iowa Wesleyan College v. Knight* (207 Iowa 1238), the Court was again faced with a question pertaining to the application of the tax losses. This action was a suit against the county treasurer to enjoin a tax sale of real estate. The plaintiff purchased land after the date of assessment but prior to the date of levy. One parcel of the real estate was purchased on January 11, 1924, and another parcel was purchased July 31, 1924. The Supreme Court held that the plaintiff was entitled to have both parcels of real estate exempt from the taxes for the year 1924, payable in 1925.

At page 1240, the Court stated:

"When did the exemption statute become operative in favor of the plaintiff? We can conceive of no reason why it should not be deemed operative from the date of acquisition of the property and the filing of its deed for record. The property was that of the plaintiff, an 'educational institution' on September 8. In levying the tax, therefore, the supervisors acted in violation of section 6944. Its levy was illegal."

The Court went on to state on page 1240:

"II. The second count in the petition describes another town lot in the same township, which was acquired by the plaintiff on July 31, by warranty deed duly filed for record. What we have already said is likewise applicable to this count."

In the case of *Grout v. Illingsworth* (131 Iowa 281), the plaintiff brought an action to enjoin the county treasurer from enforcing a school tax against the plaintiff's property. The plaintiff's property became a part of the school district of East Waterloo on April 15, 1904. Also, a schoolhouse tax was voted on March 16, 1904, and these taxes were certified by the board of education sometime between the third Monday in March and the third Monday in May. In sustaining the tax and levy, the Court stated at page 285:

"His property was within the limits of the school district so far as it appears at the time the school taxes were thus determined and certified by the board of directors and at the time the levy thereof was made by the board of supervisors, so that as to those school taxes which the board of directors had the discretion to determine and certify there can be no reasonable basis for the contention that they were not properly levied on plaintiff's property."

In Opinions of Attorney General, 1942, page 201, it is said:

"Where tax exempt property is acquired by an individual from a religious corporation prior to levy of tax, such property is subject to tax for the full year in which the property is acquired."

In view of the foregoing it is apparent that the bridge in question is not subject to real property tax for the year 1958 as it was acquired by the Muscatine Bridge Commission prior to the date of levy.

### III

The only remaining question is whether the Muscatine County Board of Supervisors has authority to abate, cancel, and/or set aside the personal property taxes for the year 1957 payable in 1958. It goes without saying that in the absence of express statutory authority no such power exists. Our research has failed to disclose and Code provisions which could in any way be construed to grant such power. Therefore, we can only conclude that such an act would be beyond the scope of the board's authority.

Yours truly,

JOSEPH C. PIPER, *Special Counsel.*

MR. WHITE. Now, I take it that I am properly identified in the record as to my name.

SENATOR McNAMARA. Your statement identifies that at the outset, and it is already in the record, sir.

MR. WHITE. Then, I will go over to page 2 of my statement, not the factual statement but the statement pertaining to S. 1081 near the bottom of the page.

Section 2 of the pending bill—S. 1081—would amend section 5 of the Clinton Bridge Act as amended, in two particulars:

(a) By striking from the first sentence of said section 5 the words "negotiable serial bonds" and inserting in lieu thereof the words "negotiable bonds."

Now, that merely strikes out the word "serial." The purpose or the reason for that amendment is this: the revenue from the operation of a toll bridge fluctuates from year to year unpredictably. You cannot accurately estimate in any 1 year what your income is going to be if you have serial bonds. With a certain number of those bonds maturing in each year, you may or may not have enough revenue to pay for it. So, we propose to strike out the word "serial." In that event all the bonds mature on a certain date, not more than 25 years from the date of their issue, but you could call and pay on any year whatever amount of bonds your revenue would permit you to call.

Second, section 2 amends the present bridge act by striking from the proviso at the end of the fourth sentence the words "20 years" and inserting in lieu thereof the words "25 years."

I think to explain there that under the present Clinton Bridge Act initial bonds issued by the Bridge Commission to pay for the construction of a bridge, the bonds may run 25 years but refunding bonds may not run over 20 years. The purpose of this amendment is that the refunding bonds could run 25 years the same as the initial bond.

I will not go into the details of that, but will be glad to answer any questions.

Senator McNAMARA. Would you be more comfortable sitting, sir? As you please. Go right ahead. Sorry to interrupt.

Mr. WHITE. Thank you.

We now go to page 4 of my statement. Section 3 of the pending bill, S. 1081, would amend the Clinton Bridge Act by inserting therein a new section which would amend the two Clinton bridges owned by the commission "from all Federal, State, municipal, and local property and income taxation."

This amendment is essential to the financing of the new north Mississippi River bridge at Clinton for the reason that approximately \$30,000 per year of the Clinton bridge revenue is now going to the payment of local property taxes in Clinton County, Iowa, and in Whiteside County, Ill.

I should like at this point to call the committee's attention to the chart at the latter part of the factual statement.

You will notice there near the bottom of the chart "New Gateway Bridge." Have you got that one?

Senator McNAMARA. Yes, we have.

Mr. WHITE. Now, on that Gateway Bridge, under an Iowa law, that part of the bridge within the State of Iowa is not subject to local property taxation. That part of the bridge in Illinois is subject to local property taxation and, at the present time, the Illinois portion of the New Gateway Bridge is being taxed at the rate of approximately \$16,000 per year.

Moving north, or up near the top of the chart, you will note Lyons-Fulton Bridge. The Lyons-Fulton Bridge is now being taxed in the State of Illinois about \$7,000 a year or a little over. The Iowa portion of the Lyons-Fulton Bridge is being taxed a little under



\$5,000 per year, or in the total the 2 bridges are being taxed a little under \$30,000 per year.

If these taxes should remain at \$30,000 a year over the next 21 years, which is the length of the life of our present bonds, that \$30,000 per year becomes a total of \$630,000. That is based on the assumption that the taxes would remain the same as at present. The trend of the taxes is up, particularly if the Clinton Bridge Commission should build a new bridge to replace the old Lyons-Fulton Bridge, those taxes will go up.

There is a good probability that if the legislation proposed in S. 1081 is not adopted, the taxes on these two bridges would go up to \$60,000 within the next few years, and with \$60,000 per year over 21 years, which is the length of the life of our bond, that would be \$1,260,000.

The purpose of this legislation is to facilitate the construction of a new North Clinton Bridge or Lyons-Fulton Bridge. That is the whole purpose of it.

Senator CASE. Mr. Chairman.

Senator McNAMARA. Senator Case.

Senator CASE. Mr. White, I do not know whether you caught the point that I raised when Senator Hickenlooper was here, but I see Senator Martin has now come in and Congressman Schwengel is here. I should like to ask you whether or not you have a companion bill pending in the House of Representatives?

Mr. WHITE. Yes, sir.

Senator CASE. What is the number of that?

Mr. WHITE. That is H. R. 4142.

Senator McNAMARA. H. R. 4142?

Mr. WHITE. Yes, sir. The bill was introduced by Congressman Talle.

Senator CASE. Do you know whether or not hearings have been held on that bill?

Mr. WHITE. They have been, certainly.

Senator CASE. May I suggest, Mr. Chairman, that I believe the appropriate procedure, if this tax section 3 is important, would be for you to endeavor to get that bill passed first.

Now, I note that in your statement—

Mr. WHITE. You mean in the House?

Senator CASE. I mean the bill should be passed in the House first, and the law should come under the House number.

I note in your statement that you refer to the fact that this provision is identical with the Muscatine Bridge Act, which was approved July 26, 1956, Public Law 811 of the 84th Congress, chapter 742, 2d session. I have had the clerk get for me a copy of that public law, and it was H. R. 11010.

Mr. WHITE. Public Law 811, 84th Congress.

Senator CASE. It was a bill which originated in the House of Representatives. This committee has had some rather painful experiences in dealing with bills where we tried to incorporate tax features. When we passed the highway bill in 1955 and discussed the possibility of incorporating in that bill revenue features for the payment of the cost of the interstate system, we were advised by the Parliamentarian that would undoubtedly cause a constitutionality problem, and he cited

the fact that the Cotton Futures Act of 1915 had been declared unconstitutional by the Supreme Court even though in that instance the amendment providing the tax feature was placed in the bill in the House of Representatives. But the public law, itself, originated in the Senate and carried a Senate number. Consequently, in 1955 we dropped all tax or revenue features from the highway bill, which we passed during the same year. In 1956 we let the highway bill originate in the House of Representatives so that it could carry revenue features without any constitutional question arising.

Mr. WHITE. Senator, you refer to the highway bill of 1955. Do you not mean 1956?

Senator CASE. No. We passed a bill in 1955, first in the Senate, and that was the time when the House of Representatives failed to pass the bill. But as we passed it in the Senate, we left out the revenue features in 1955.

The Highway Act of 1956 we worked on a revised bill at that time, but we let the bill come over from the House and used that for the amended form of the bill in order that it would carry a House number.

I am in sympathy, Mr. White, with what you want to do here. I would like to see you get this legislation. I would like to see you get it in a way that will stand up and there will not be any question about its acceptance in the House.

Recently, we had another bill up on the floor of the House, which came from the Banking and Currency Committee, dealing either with housing or community facilities or something of that sort. There was a tax feature in that. After consultation between the leadership and the Speaker of the House of Representatives, it was considered advisable to drop the revenue features of that bill so that the Speaker of the House would not stand on what he might regard as the precedents of the House in dealing with revenue legislation.

Senator HRUSKA. Mr. Chairman, the witness is making a very fine statement, and I know it is going to be very helpful to the committee; however, in view of this point raised by the Senator from South Dakota, I am wondering if we could not hear briefly from the Senator from Iowa, who served for some 10 years on the Ways and Means Committee, and who has some acquaintance with this particular aspect of the legislation, which is probably technical but, nevertheless, very important, because we would not want to engage here in gestures which would be quite idle and which, as you understand, Senator Martin, might be fatal if we do not do it quite right.

May I suggest, Mr. Chairman, that we do hear briefly at this time from Senator Martin, in order that we can have at this point in the record some clarification or some comment on the aspect raised by Senator Case?

Senator McNAMARA. Without objections, we will ask Mr. White to sit at the end of the table, because we understand that you are not through.

Senator HRUSKA. I understand that.

Senator McNAMARA. We will hear from Senator Martin—we know he is busy—then you can conclude your statement.

Senator Martin, we will be glad to hear from you now.



STATEMENT OF HON. THOMAS E. MARTIN, A SENATOR FROM THE  
STATE OF IOWA

Senator MARTIN. Mr. Chairman, members of the committee, I have no prepared statement. I was here in behalf of this bill with Senator Hickenlooper, and detained on another hearing ahead of this one.

I concur in what Senator Case has just stated. It is a clear provision in the Constitution that revenue measures must originate in the House of Representatives. I know of no exception to that point, and while I was on the Ways and Means Committee, we knew, however, that the Senate had terrific amendment powers on revenue laws, and we sent over very few revenue laws. We generally made them in one large package in order to avoid too many amendments in the Senate side to legislate. We started in on our side.

Senator HRUSKA. Will the Senator yield at that point?

Senator MARTIN. Yes.

Senator HRUSKA. Isn't it true that when the Senate did exercise its amendatory powers, it exercised them on bills bearing a House number?

Senator MARTIN. That is what I meant. They were sent over here and amended over here. That is true.

There is no bypassing the constitutional provision that revenue laws must originate in the House, and your experience, as Senator Case has outlined it here, is a very good illustration of the need for care in that regard.

I trust, though, the committee will want to go ahead and complete your hearings on this and await action by the House.

Senator CASE. I think so. I just wanted to point that out. While I think the hearing will have its usefulness, I would want to pass the bill without the revenue feature if it must start in the Senate, or concur in the passage of the bill by the House. The hearings demonstrate a useful purpose for demonstrating the need for this legislation. But I think it should be understood that the House really should pass the bill first so that whoever looks at it will see that the bill originated in the House of Representatives.

Senator MARTIN. I believe that is a logical procedure.

Senator McNAMARA. All right. Our committee will have control of that part of it. Thank you, very much, Senator, for your helpful appearance here today.

Senator MARTIN. I want to add strong reenforcement of the project while I am here.

Senator McNAMARA. We understood that, and I think the record shows that.

Mr. WHITE. Mr. Chairman, I will make only one further very brief statement.

This proposed bill would not in any manner whatsoever affect the Federal taxes. The City of Clinton Bridge Commission now pays no Federal income taxes, under a ruling by the income tax service, for the reason that there is no net income. In other words, all of the receipts from the Clinton bridges shall go, first, to the operation and maintenance, and, second, to the payment of interest and retiring the bonds.

When the bonds are all retired, then we must give the bridge or bridges to the State. The same thing is true as to State income taxes. The only thing that this section 3 will do will be to relieve the Clinton bridges, owned by the City of Clinton Bridge Commission, from local property taxes.

I might say this: That whereas the new Gateway Bridge, south bridge at Clinton, is now being taxed nearly \$16,000 per year in Whiteside County, Ill., previous to the building of this bridge, the old south bridge paid a tax, an average tax, of \$1,128 per year; so we are not taking anything appreciable away from them.

Now, Mr. Chairman, Senator Case raised the question as to whether this bill should not first be passed in the House. I should like to introduce to your committee Congressman Fred Schwengel from Davenport, Iowa, who is a member of the House Public Works Committee, and who can give you some light on that point.

Senator McNAMARA. Thank you, Mr. White. We will be glad to hear from the Congressman at this time.

#### STATEMENT OF HON. FRED SCHWENGEL, A REPRESENTATIVE IN THE CONGRESS FROM THE FIRST DISTRICT OF THE STATE OF IOWA

Mr. SCHWENGEL. Mr. Chairman, I thank you for this opportunity to appear at this time and be heard. I first want to say that I was the author of the Muscatine Bridge bill that is referred to here in the House, made necessary by the fact that the bridge caved in there several years ago and the Senate cooperated nicely in helping us to get that bill passed, and this committee in particular. I wanted to express my gratefulness at that time, and for the people of Muscatine I want to express it now.

I have been aware of the problem at Clinton, and I am aware of the implication of certain other bills that relate to the Muscatine Bridge and other bridges, and I want to say now that, based upon very thorough study of this problem, as it relates to Clinton and Muscatine, I am in support of those people who are appearing here in behalf of those communities today.

I want to say also that I am aware of what Senator Case referred to with reference to revenue, that a constitutional question might be involved. I think you are on sound ground and I, as a member of the Public Works Committee of the House, will be willing to do everything I can to facilitate initiation of that legislation on that side.

I don't have a prepared statement. I do want the record to show that I am in support of the position of those people that are appearing here in behalf of these bills.

Senator McNAMARA. Thank you, Congressman.

Are there any questions now or any further comment on that?

Senator HRUSKA. Mr. Chairman, I should just like to observe that it has been my privilege to work with the gentleman from Iowa on previous occasions on matters of this type. When he says he has studied the situation both with reference to S. 3107 and S. 1081, I know he has done a thorough and good job. Anything he has done on this I am sure would be very, very worthy of consideration. I do want to say when we get to S. 3107 I do hope that the Congressman



will come back and either by way of a statement or otherwise extend his comments and observations thereon. It would be helpful.

Mr. SCHWENGEL. I will be very glad to.

Senator McNAMARA. Thank you, Congressman.

Thank you, Mr. White. Do you have anything further?

Mr. WHITE. Just one brief statement.

Senator McNAMARA. All right, sir. Go right ahead.

Mr. WHITE. The sole purpose of this bill is to enable the city and the Clinton Bridge Commission to assist it in the construction of a new bridge over the Mississippi River between Lyons-Fulton, Iowa. That is the sole purpose that there is to it.

Senator McNAMARA. Thank you for your testimony.

Mr. SCHWENGEL. May I say this, Mr. Chairman:

I don't know whether this has been said. This man who has been testifying before you I consider as one of Iowa's most outstanding men in public life. He has been head of our highway commission there for many, many years, and I note this map on the left there, and I note the outline of Iowa, and while there are no State lines on the map, you will note you can pick Iowa out on the map, and it is mainly because this gentleman has solved the virtue of cooperating with the Federal agencies and developing a great road system in our State. He is now retired and helping people with some of their other problems. We in Iowa are very, very proud of the great contribution this gentleman has made throughout the years in Iowa.

Senator McNAMARA. Thank you, again.

Senator Case?

Senator CASE. Congressman Schwengel, I might say that the very presence of that very close cross-etching which reflects the outline of Iowa has been commented upon before, not necessarily in your presence, but other times we have looked at that map. It has been seen that Iowa has been outstanding in its development of roads.

Senator McNAMARA. At this point we want to insert in the record three communications which are addressed to the Honorable Dennis Chavez: One from the Secretary of the Army, one from the Assistant Director of the Bureau of the Budget, and one from the Acting Secretary of Commerce.

(The communications are as follows:)

THE SECRETARY OF COMMERCE,  
Washington, D. C., August 19, 1957.

HON. DENNIS CHAVEZ,  
Chairman, Committee on Public Works,  
United States Senate, Washington, D. C.

DEAR MR. CHAIRMAN: This letter is in reply to your request of February 8, 1957, for the views of this Department with respect to S. 1081, a bill to amend the act creating the City of Clinton Bridge Commission and authorizing said Commission and its successors to acquire by purchase or condemnation and to construct, maintain, and operate a bridge or bridges across the Mississippi River at or near Clinton, Iowa, and at or near Fulton, Ill., in order to make certain changes in the authority of such Commission, and for other purposes.

The bill would amend the act of December 21, 1944 (58 Stat. 846), as amended, which created the City of Clinton Bridge Commission and authorized said Commission to acquire, construct, maintain, and operate a bridge or bridges across the Mississippi River at or near the cities of Clinton, Iowa, and Fulton, Ill. Section 1 would amend section 3 of the 1944 act to authorize the Commission to use the same procedure followed by the States of Iowa and Illinois, respectively, for condemnation of property for public purpose in each of said States. Section 2 would amend section 5 of the act, as amended, to authorize the issuance of 25-

year negotiable bonds in lieu of the 20-year negotiable serial bonds now authorized. Section 3 would add a new section to the act which would declare that all bridges purchased or constructed under the act shall be deemed to be Federal instrumentalities and be exempt from Federal, State, municipal, and local property and income taxation.

This Department would interpose no objection to enactment of this bill if it is amended so as to delete section 3 thereof.

It is understood that the purpose of the bill is to facilitate the financing and construction by the Commission of a new bridge across the Mississippi River north of the bridge recently completed by the Commission. The new bridge will replace an existing structure more than 60 years old known as the Lyons-Fulton Bridge.

This Department has no objection to sections 1 and 2 of the subject bill which relates only to the detailed administration of the Commission. Aside from these detailed provisions covering minor problems, there is no necessity for Federal legislation to accomplish the construction of the additional bridge, the original act having granted sufficient authority for this purpose.

The real purpose of the bill appears to be the granting of tax exemption to all the securities of the Commission. Such a provision is undesirable as a public policy.

This Department, therefore, would interpose no objection to the enactment of S. 1081 if it is amended so as to delete section 3 thereof.

The Bureau of the Budget has advised that it would interpose no objection to the submission of this letter.

Sincerely yours,

WALTER WILLIAMS,  
*Acting Secretary of Commerce.*

EXECUTIVE OFFICE OF THE PRESIDENT,  
BUREAU OF THE BUDGET,  
Washington, D. C., July 25, 1957.

HON. DENNIS CHAVEZ,  
*Chairman, Committee on Public Works,  
United States Senate,  
Senate Office Building, Washington, D. C.*

MY DEAR MR. CHAIRMAN: This is reply to your letter of February 8, 1957, requesting the views of this Office with respect to S. 1081, a bill to amend the act creating the City of Clinton Bridge Commission and authorizing said commission and its successors to acquire by purchase or condemnation and to construct, maintain, and operate a bridge or bridges across the Mississippi River at or near Clinton, Iowa, and at or near Fulton, Ill., in order to make certain changes in the authority of such commission, and for other purposes.

The provisions of S. 1081 would amend the act of December 21, 1944, establishing the Clinton Bridge Commission, in order to facilitate the construction of an additional bridge. Section 3 of the bill would add a new section to define the bridges purchased or constructed under the act as Federal instrumentalities for interstate commerce, the postal service and military and other purposes authorized by the Government of the United States, and the bridges and income derived therefrom would be exempt from all Federal, State, municipal, and local property and income taxation.

This Office's primary concern is with the provision exempting the Clinton Bridge Commission from Federal, State, and local taxes. To confer tax immunity on the commission would appear an unwarranted interference in State and local affairs and would deprive them of a desired source of revenue.

This Office recommends, therefore, that this measure not be enacted.

Sincerely yours,

PERCY RAPPAPORT, *Assistant Director.*

DEPARTMENT OF THE ARMY,  
July 26, 1957.

HON. DENNIS CHAVEZ,  
*Chairman, Committee on Public Works,  
United States Senate.*

DEAR MR. CHAIRMAN: Reference is made to your request of February 8, 1957, for the views of the Department of the Army with respect to S. 1081, 85th Con-



gress, 1st session, a bill to amend the act creating the City of Clinton Bridge Commission and authorizing said commission and its successors to acquire by purchase or condemnation and to construct, maintain, and operate a bridge or bridges across the Mississippi River at or near Clinton, Iowa, and at or near Fulton, Ill., in order to make certain changes in the authority of such commission, and for other purposes.

The Department of the Army has considered the above-mentioned bill. An act of Congress approved December 21, 1944, as amended, created the City of Clinton Bridge Commission and authorized said commission to construct, maintain and operate a bridge or bridges across the Mississippi River at or near the cities of Clinton, Iowa, and Fulton, Ill. The bridge was dedicated and opened to traffic on June 30, 1956.

The commission may issue refunding bonds to refinance any outstanding bonds at maturity or before maturity when called for redemption. The proposed bill will extend the maturity period of the refunding bonds from 20 to 25 years.

Section 15 of the proposed bill would exempt the bridge and the income derived from all Federal property and income taxation. Such matters are within the primary jurisdiction of another department and the Department of the Army, accordingly expresses no opinion with respect thereto.

Insofar as the interests committed to this Department are concerned, no objection is seen to the enactment of S. 1081.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

WILBER M. BRUCKER,  
*Secretary of the Army.*

Senator McNAMARA. Any further comments? If not, then the hearing on S. 1081—Mr. Tallamy also has a statement. Is Mr. Tallamy here?

Mr. TALLAMY. Yes; I am, Mr. Chairman.

Senator McNAMARA. We will be glad to hear from you at this time if you want to testify on S. 1081, or do you just wish your statement included in the record?

Mr. TALLAMY. I think, Mr. Chairman, that it would suffice if I just submitted my statement for the record.

Senator McNAMARA. Without objection, at this point it will be so included.

(The statement is as follows:)

STATEMENT OF HON. BERTRAM D. TALLAMY, FEDERAL HIGHWAY ADMINISTRATOR

Mr. Chairman and members of the committee, I appear before you now to present the views of the Department of Commerce with respect to S. 1081.

This bill would amend the act of December 21, 1944, creating the City of Clinton Bridge Commission. The commission would be authorized to use the same procedure followed by the States of Iowa and Illinois, respectively, for condemnation of property for public purpose in each of these States. Under section 2 of the bill, the issuance of negotiable bonds would be authorized in lieu of the negotiable serial bonds now authorized under the 1944 act. The period for the maturity of certain refunding bonds would be extended from 20 to 25 years. Section 3 of the bill would provide that all bridges purchased or constructed under the original 1944 act shall be deemed to be Federal instrumentalities and exempt from Federal, State, municipal or local property, and income taxation.

It is the understanding of the Department that the purpose of the proposed legislation is to facilitate the financing and the construction of a new bridge across the Mississippi River north of the bridge recently completed by the commission. The proposed new bridge will replace an existing structure more than 60 years old known as the Lyons-Fulton Bridge.

The Department has no objection to sections 1 and 2 of S. 1081, since these provisions relate only to the administration of the commission.

The Department is opposed, however, to section 3 of the bill for the reason that it would confer tax immunity on the bridges and the income derived there-

from and thus deprive State and local authorities of a source of revenue. The Department of Commerce believes that such exemption from State and local taxation, if it is to be allowed, should be governed by appropriate State or local laws rather than by special Federal statute.

The Department wishes to assure the committee that the need for construction of a new bridge to replace the existing Lyons-Fulton Bridge is appreciated. The Department is in no way opposed to such construction. The Department of Commerce, however, does not favor enactment of S. 1081, as presently written.

Senator CASE. Do you think the bill should be passed? Are you in favor of the legislation as such, Mr. Tallamy?

#### STATEMENT OF HON. BERTRAM D. TALLAMY, FEDERAL HIGHWAY ADMINISTRATOR

Mr. TALLAMY. Mr. Chairman, members of the committee, the statement I am filing with the committee points out that the Department recognizes the importance of the proposed structure to this area. The Department has no objections to section 1 and section 2, which were outlined thoroughly by Mr. White. It does object, however, to the third section which would, by law, direct no taxes be paid by the Commission to either State or to local political subdivisions of the State. Such immunity should not be granted by Federal legislation. The question of immunity from local taxation should be one for local consideration, by the States involved or by ordinance of the local communities involved. Therefore, the Department does not favor the passage of the legislation as presently written.

Senator CASE. That is, you would have no objection to Federal legislation to exempt any of the bonds or the property from Federal taxation in any form, but you raise a question as to whether or not the Federal Government should direct immunity from taxation from or by local bodies ordinarily subject to State law?

Mr. TALLAMY. That is correct, sir.

Senator HRUSKA. Mr. Tallamy, may I ask, in your judgment does the act with reference to the Muscatine Bridge extend tax immunity from local authorities for the Muscatine Bridge?

Mr. TALLAMY. The bill that we will consider in relation to all interstate bridges created by acts of Congress is silent on the matter of taxation.

Senator HRUSKA. But the law which was passed in the 84th Congress—that is, the Public Law 811, relating to the Muscatine Bridge—is not silent, is it? It bears the same section and paragraph which it is now sought by amendment to put into the Clinton Bridge Act; is that not true?

Mr. TALLAMY. That is correct.

Senator HRUSKA. Well, on the basis of that precedent, of course, what would your thought be here, that one of these bridges has such exemption and the other has not?

Mr. TALLAMY. Well, I think that there were many features of the Muscatine legislation which were not wholly agreed to by the Department. The President reluctantly signed the legislation indicating that he signed it because of the importance of the structure. The existing bridge, as I recall it, had collapsed. The President also indicated, at that time, that certain features of the legislation should be corrected by further Federal legislation applying to all interstate system structures authorized by Federal legislation.



I do not believe that a precedent has been established necessarily as a result of this Muscatine legislation because of that feeling.

Senator CASE. Mr. Chairman, I ask unanimous consent that section 14 of Public Law 811, 84th Congress, chapter 743, 2d session, H. R. 11010, the Muscatine Bridge Act, be placed in the record at this point.

Senator McNAMARA. Without objection, it is so ordered.

(The section referred to is as follows:)

SEC. 14. The bridge or bridges purchased or constructed under the authority of this Act shall be deemed to be Federal instrumentalities for interstate commerce, the postal service, and military and other purposes authorized by the Government of the United States, and said bridge or bridges and the income derived therefrom shall be exempt from all Federal, State, municipal, and local property and income taxation.

Senator HRUSKA. Mr. Chairman, there is an exchange of letters between Mr. Fred White and Mr. Louis Rothschild, the Under Secretary of Commerce for Transportation, of October 2, 1957, and October 14, 1957, which bears on that point with reference to the taxability of income from the securities that would be based on the revenue from this bridge.

May I ask that they be inserted in the record at this point, because they would clear up that one point to which Senator Hickenlooper referred earlier in the testimony.

Senator McNAMARA. Without objection, it is so ordered.

(The letters are as follows:)

AMES, IOWA, October 14, 1957.

Re S. 1081

HON. DENNIS CHAVEZ,

*Chairman, Senate Committee on Public Works,  
Senate Office Building, Washington, D. C.*

DEAR SENATOR CHAVEZ: On September 12, 1957, I wrote you commenting on a letter to you by Walter Williams, Acting Secretary of Commerce, relative to S. 1081. In his said letter of August 19, Mr. Williams said "The real purpose of the bill appears to be the granting of tax exemption to all the securities of the bridge commission." In my letter of September 12 to you I denied the correctness of that statement. I now have a letter dated October 2, 1957, by Mr. Louis S. Rothschild, Under Secretary of Commerce, in which he states "You note correctly that the creation of a Federal instrumentality would not affect the tax status of the securities issued by the Clinton Bridge Commission \* \* \*." [Copy attached.]

As you will further note, however, the Department of Commerce is still objecting to section 3 of S. 1081, although their objections have now been shifted to the fact that section 3 of said bill would create Federal instrumentalities out of the Clinton Bridges and would thereby free said bridges of local property taxes.

In a few days, I plan to write Mr. Rothschild setting forth the reasons why I feel local tax officials should not be permitted to levy local property taxes on publicly owned interstate bridges, such as the Clinton Bridges.

Sincerely yours,

FRED R. WHITE.

THE UNDER SECRETARY OF COMMERCE FOR TRANSPORTATION,  
*Washington, October 2, 1957.*

Mr. FRED R. WHITE,

*Civil Engineer, Ames, Iowa.*

DEAR MR. WHITE: I have your letter of September 14 to Under Secretary of Commerce Walter Williams relating to S. 1081, the Clinton Bridge bill. This Department appreciates the desire of the City of Clinton Bridge Commission to reconstruct the Lyons-Fulton Bridge and has not objected to legislative proposals extending the terms of the bonds of the existing commission or altering

administrative arrangements to facilitate construction and acquisition of right-of-way. The basic question of authority to construct the new bridge, in fact, is not in issue since the present statute governing the City of Clinton Bridge Commission already contains adequate authority for new construction.

We are not, however, in favor of the creation of Federal instrumentalities granting automatic tax exemption. It is our conviction that agencies such as the City of Clinton Bridge Commission should be governed by State law rather than special Federal statutes, and to that end we are endeavoring to increase State responsibility in this sphere. You note correctly that the creation of a Federal instrumentality would not affect the tax status of the securities issued by the Clinton Bridge Commission, but it would affect the tax status of all its properties and income. It is our understanding that under the present law the properties of the City of Clinton Bridge Commission are not Federal instrumentalities.

Please be assured that we are not in opposition to the construction of a new bridge nor do we fail to appreciate the need therefor. On the contrary, we believe that the authority and means to construct such a bridge exist already, and that construction should proceed under the laws of the two States concerned.

Sincerely yours,

LOUIS S. ROTHSCHILD.

AMES, IOWA, September 12, 1957.

In re S. 1081.

Hon. DENNIS CHAVEZ,

*Chairman, Committee on Public Works,*  
*United States Senate,*

*Senate Office Building, Washington, D. C.*

DEAR SENATOR CHAVEZ: On April 15, 1957, I wrote you inquiring as to the status of S. 1081, which bill proposes three amendments to the Clinton, Iowa, bridge act, approved December 21, 1944, as amended. On April 24, 1957, you replied saying:

"Copies of the bill have been forwarded to the interested Federal agencies for report and comment. Upon receipt of those comments, the bill will be referred to the subcommittee on Flood Control-Rivers and Harbors for consideration."

Recently there has come to my attention, a copy of a letter from the Department of Commerce to you, dated August 19, 1957, and signed by Mr. Walter Williams, Acting Secretary of Commerce, commenting on this bill.

In the following language, the said letter waives any objections to sections 1 and 2 of the said bill:

"This Department would interpose no objection to enactment of this bill if it is amended so as to delete section 3 thereof.

"This Department has no objection to sections 1 and 2 of the subject bill which relate only to the detailed administration of the commission."

And, "This Department, therefore, would interpose no objection to the enactment of S. 1081 if it is amended so as to delete section 3 thereof."

Exclusive of the reservation of the right to "alter, amend or repeal," this bill contains only three sections, each dealing with one amendment to the Clinton Bridge Act, approved December 21, 1944, as amended; therefore, this waiver of objection to sections 1 and 2 of the subject bill by the Department of Commerce, leaves only section 3 of the bill open to comment and objection by that Department.

In another place, the subject letter by the Department of Commerce contains this statement:

"The real purpose of the bill appears to be the granting of tax exemption to all the securities of the Commission. Such a provision is undesirable as a public policy."

Since, as noted above, the said letter waives all objections to sections 1 and 2 of the bill and there are only sections 1, 2, and 3 of the bill which seek to amend the present Clinton Bridge Act, the above-quoted statement can refer only to section 3 of the said bill. Such being the case, the above-quoted statement in the said letter is wrong. There is nothing in section 3, or any other portion of S. 1081, which in any manner whatsoever grants tax exemption to the securities of the City of Clinton Bridge Commission nor to the income from such securities.

The City of Clinton Bridge Commission has never sought, and does not now seek, tax exemption for its securities nor for the income from such securities.



If S. 1081, including section 3 thereof, is enacted into law, the securities of the City of Clinton Bridge Commission and the income from such securities will continue to be taxable under the same laws and to the same extent they are now taxable.

The pertinent portion of section 3 of S. 1081 reads as follows:

"The bridge or bridges purchased or constructed under the authority of this act shall be deemed to be Federal instrumentalities for interstate commerce, the postal service, and military and other purposes authorized by the Government of the United States, and said bridge or bridges and the income derived therefrom shall, on and after the effective date of this section, be exempt from all Federal, State, municipal, and local property and income taxation."

This is the only language in the bill which has any reference to taxation of any kind or for any thing. There is nothing in this language that says anything about tax exemption for the securities of the City of Clinton Bridge Commission, nor for the income from such securities. Nor is there any obscure, hidden, or concealed meaning in this language.

The above-quoted language from section 3 of S. 1081 would grant property and income-tax exemption for the bridges themselves purchased or constructed by the City of Clinton Bridge Commission and for the income from such bridges. The said language would not grant "tax exemption to all (or any of) the securities of the Commission" nor to the income from such securities.

Under a ruling by the Internal Revenue Service, the City of Clinton Bridge Commission now pays no Federal income tax on the earnings of bridges purchased or constructed by the said commission for the reason that the said commission has no net income. For the same reason, the City of Clinton Bridge Commission now pays no State income tax in either Illinois or Iowa. Under the present law, all of the earnings of such bridges is pledged (a) to the payment of the cost of operation and maintenance of the bridges and (b) to the payment of interest on and the retirement of principal of bonds issued by the commission to pay for the purchase or construction of such bridges. When all obligations against the bridges are paid, the commission must give (or offer to give) the bridges to the two States as the law provides. The Federal Government, the State of Illinois, and the State of Iowa now levy and collect no property taxes on these Clinton bridges.

Therefore, the passage or nonpassage of S. 1081, including section 3 thereof, will have no effect whatever on the Federal or State tax structures or on the Federal or State revenue.

The only result of the adoption of section 3 of S. 1081 in its present form would be the exemption of the bridges purchased or constructed by the City of Clinton Bridge Commission from local property taxes.

At the present time, local property taxes are being levied and collected on the Lyons and Fulton (North Clinton) Bridge in both Iowa and Illinois, and on the new South Clinton (Gateway) Bridge in Illinois. Under State law, no local property taxes are levied or collected on the new South Clinton Bridge in Iowa. The amount of these local property taxes payable in 1958 will be approximately as follows:

Lyons and Fulton Bridge:

In Iowa-----	\$6, 800
In Illinois-----	7, 400

Gateway Bridge:

In Iowa-----	None.
In Illinois-----	15, 800

Total both bridges-----	30, 000
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This \$30,000 per year, if it can be kept down to that figure, would over the next 22 years, which is the remaining life of the presently outstanding Clinton Bridge bonds, amount to a total of \$660,000. That sum of bridge toll revenue, diverted to local property taxes, could be the determining factor between the bridge commission's ability or inability to finance the construction of a new Lyons-Fulton (North Clinton) Bridge within the predictable future.

"The real purpose" of section 3 of S. 1081 is the granting of exemption from local property taxation to the Mississippi River bridges at Clinton, Iowa-Fulton, Ill., which bridges are interstate bridges, owned and operated without profit and solely for the use and benefit of the public, by the City of Clinton Bridge



Commission, "a public body corporate and politic" created by act of Congress approved December 21, 1944.

Respectfully submitted.

FRED R. WHITE.

Senator McNAMARA. Does that conclude the hearing on S. 1081? Any further comment or question?

Then let us proceed with the No. 1 item on our agenda, hearings on H. R. 12776. I note that a companion bill, S. 3953, was introduced by Senator Case.

(H. R. 12776 is as follows:)

[H. R. 12776, 85th Cong., 2d sess.]

AN ACT To revise, codify, and enact into law, title 23 of the United States Code, entitled "Highways"

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the laws relating to highways are revised, codified, and reenacted as Title 23, United States Code, "Highways" and may be cited as "Title 23, United States Code, §—", as follows:

## TITLE 23—HIGHWAYS

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### CHAPTER 1—FEDERAL-AID HIGHWAYS

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#### § 101. Definitions and declaration of policy

(a) As used in this title, unless the context requires otherwise—

The term "apportionment" in accordance with section 104 of this title includes unexpended apportionments made under prior acts.

The term "construction" means the supervising, inspecting, actual building, and all expenses incidental to the construction or reconstruction of a highway, including locating, surveying, and mapping (including the establishment of temporary and permanent geodetic markers in accordance with specifications of the Coast and Geodetic Survey in the Department of Commerce), costs of rights-of-way, and elimination of hazards of railway-grade crossings.

The term "county" includes corresponding units of government under any other name in States which do not have county organizations, and likewise in those States in which the county government does not have jurisdiction over

highways it may be construed to mean any local government unit vested with jurisdiction over local highways.

The term "forest road or trail" means a road or trail wholly or partly within or adjacent to and serving the national forests.

The term "forest development roads and trails" means those forest roads or trails of primary importance for the protection, administration, and utilization of the national forests, or where necessary, for the use and development of the resources upon which communities within or adjacent to the national forests are dependent.

The term "forest highway" means a forest road which is of primary importance to the States, counties, or communities within, adjoining, or adjacent to the national forests.

The term "highway" includes roads, streets, and parkways, and also includes rights-of-way, bridges, railroad-highway crossings, tunnels, drainage structures, signs, guardrails, and protective structures, in connection with highways. It further includes that portion of any interstate or international bridge or tunnel and the approaches thereto, the cost of which is assumed by a State highway department, including such facilities as may be required by the United States Customs and Immigration Services in connection with the operation of an international bridge or tunnel.

The term "Federal-aid highways" means highways located on one of the Federal-aid systems described in section 103 of this title.

The term "Indian reservation roads and bridges" means roads and bridges that are located within an Indian reservation or that provide access to an Indian reservation or Indian land, and that are jointly designated by the Secretary of the Interior and the Secretary as a part of the Indian Bureau road system.

The term "maintenance" means the preservation of the entire highway, including surface, shoulders, roadsides, structures, and such traffic-control devices as are necessary for its safe and efficient utilization.

The term "park roads and trails" means those roads or trails, including the necessary bridges, located in national parks or monuments, now or hereafter established, or in other areas administered by the National Park Service of the Department of the Interior (excluding parkways authorized by Acts of Congress) and also including approach roads to national parks or monuments authorized by the Act of January 31, 1931 (46 Stat. 1053), as amended.

The term "parkway" as used in chapter 2 of this title, means a parkway authorized by an Act of Congress on lands to which title is vested in the United States.

The term "project" means an undertaking to construct a particular portion of a highway, or if the context so implies, the particular portion of a highway so constructed.

The term "project agreement" means the formal instrument to be executed by the State highway department and the Secretary as required by the provisions of subsection (a) of section 110 of this title.

The term "public lands highways" means main highways through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations.

The term "rural areas" means all areas of a State not included in urban areas.

The term "Secretary" means Secretary of Commerce.

The term "State" means any one of the forty-eight States, the District of Columbia, Hawaii, Alaska, or Puerto Rico.

The term "State funds" includes funds raised under the authority of the State or any political or other subdivision thereof, and made available for expenditure under the direct control of the State highway department.

The term "State highway department" means that department, commission, board, or official of any State charged by its laws with the responsibility for highway construction.

The term "Federal-aid system" means any one of the Federal-aid highway systems described in section 103 of this title.

The term "Federal-aid primary system" means the Federal-aid highway system described in subsection (b) of section 103 of this title.

The term "Federal-aid secondary system" means the Federal-aid highway system described in subsection (c) of section 103 of this title.

The term "Interstate System" means the National System of Interstate and Defense Highways described in subsection (d) of section 103 of this title.



The term "urban area" means an area including and adjacent to a municipality or other urban place having a population of five thousand or more, as determined by the latest available Federal censuses, within boundaries to be fixed by a State highway department subject to the approval of the Secretary.

(b) It is hereby declared to be in the national interest to accelerate the construction of the Federal-aid highway systems, including the National System of Interstate and Defense Highways, since many of such highways, or portions thereof, are in fact inadequate to meet the needs of local and interstate commerce, the national and civil defense.

It is hereby declared that the prompt and early completion of the National System of Interstate and Defense Highways, so named because of its primary importance to the national defense and hereafter referred to as the "Interstate System", is essential to the national interest and is one of the most important objectives of this Act. It is the intent of Congress that the Interstate System be completed as nearly as practicable over the period of availability of the thirteen years' appropriations authorized for the purpose of expediting its construction, reconstruction, or improvement, inclusive of necessary tunnels and bridges, through the fiscal year ending June 30, 1969, under section 108 (b) of the Federal-Aid Highway Act of 1956 (70 Stat. 374), and that the entire System in all States be brought to simultaneous completion. Insofar as possible in consonance with this objective, existing highways located on an interstate route shall be used to the extent that such use is practicable, suitable, and feasible, it being the intent that local needs, to the extent practicable, suitable, and feasible, shall be given equal consideration with the needs of interstate commerce.

#### § 102. Authorizations

The provisions of this title apply to all unappropriated authorizations contained in prior Acts, and also to all unexpended appropriations heretofore made, providing for the expenditure of Federal funds upon the Federal-aid systems. All such authorizations and appropriations shall continue in full force and effect, but hereafter obligations entered into and expenditures made pursuant thereto shall be subject to the provisions of this title.

#### § 103. Federal-aid systems

(a) For the purposes of this title, the three Federal-aid systems, the primary and secondary systems, and the Interstate System, are continued pursuant to the provisions of this section.

(b) The Federal-aid primary system shall consist of an adequate system of connected main highways, selected or designated by each State through its State highway department, subject to the approval of the Secretary as provided by subsection (e) of this section. This system shall not exceed 7 per centum of the total highway mileage of such State, exclusive of mileage within national forests, Indian, or other Federal reservations and within urban areas, as shown by the records of the State highway department on November 9, 1921. Whenever provision has been made by any State for the completion and maintenance of 90 per centum of its Federal-aid primary system, as originally designated, said State through its State highway department by and with the approval of the Secretary is authorized to increase the mileage of its Federal-aid primary system by additional mileage equal to not more than 1 per centum of the total mileage of said State as shown by the records on November 9, 1921. Thereafter, it may make like 1 per centum increases in the mileage of its Federal-aid primary system whenever provision has been made for the completion and maintenance of 90 per centum of the entire system, including the additional mileage previously authorized. This system may be located both in rural and urban areas. The mileage limitations in this paragraph shall not apply to the District of Columbia, Hawaii, Alaska, or Puerto Rico.

(c) The Federal-aid secondary system shall be selected by the State highway departments and the appropriate local road officials in cooperation with each other, subject to approval by the Secretary as provided in subsection (e) of this section. In making such selections, farm-to-market roads, rural mail routes, public school bus routes, local rural roads, county roads, township roads, and roads of the county road class may be included, so long as they are not on the Federal-aid primary system or the Interstate System. This system shall be confined to rural areas, except (1) that in any State having a population density of more than two hundred per square mile as shown by the latest available Federal census, the system may include mileage in urban areas as well as rural, and (2) that the system may be extended into urban areas subject to the conditions



that any such extension passes through the urban area or connects with another Federal-aid system within the urban area, and that Federal participation in projects on such extensions is limited to urban funds.

(d) The Interstate System shall be designated within the continental United States and it shall not exceed forty-one thousand miles in total extent. It shall be so located as to connect by routes, as direct as practicable, the principal metropolitan areas, cities, and industrial centers, to serve the national defense, and to connect at suitable border points with routes of continental importance in the Dominion of Canada and the Republic of Mexico. The routes of this system shall be selected by joint action of the State highway departments of each State and the adjoining States, subject to approval by the Secretary as provided in subsection (e) of this section. All highways or routes included in the Interstate System as finally approved, if not already coincident with the primary system, shall be added to said system without regard to the mileage limitation set forth in subsection (b) of this section. This system may be located both in rural and urban areas.

(e) The Secretary shall have authority to approve in whole or in part the Federal-aid primary system, the Federal-aid secondary system, and the Interstate System, as and when such systems or portions thereof are designated, or to require modifications or revisions thereof. No Federal-aid system or portion thereof shall be eligible for projects in which Federal funds participate until approved by the Secretary.

(f) The system or systems of roads in the Territory of Alaska on which Federal-aid funds may be expended under this chapter shall be determined and agreed upon by the Governor of Alaska, the Alaska Highway and Public Works Board, and the Secretary.

(g) The system of highways on which funds apportioned to the Territory of Hawaii under this chapter shall be expended may be determined and agreed upon by the Governor of said Territory and the Secretary.

#### § 104. Apportionment

(a) Whenever an apportionment is made of the sums authorized to be appropriated for expenditure upon the Federal-aid systems, the Secretary shall deduct a sum, in such amount not to exceed  $3\frac{3}{4}$  per centum of all sums so authorized, as the Secretary may deem necessary for administering the provisions of law to be financed from appropriations for the Federal-aid systems and for carrying on the research authorized by subsections (a) and (b) of section 307 of this title. In making such determination, the Secretary shall take into account the unexpended balance of any sums deducted for such purposes in prior years. The sum so deducted shall be available for expenditure from the unexpended balance of any appropriation made at any time for expenditure upon the Federal-aid systems, until such sum has been expended.

(b) On or before January 1 next preceding the commencement of each fiscal year, except as provided in paragraphs (4) and (5) of this subsection, the Secretary, after making the deduction authorized by subsection (a) of this section, shall apportion the remainder of the sums authorized to be appropriated for expenditure upon the Federal-aid systems for that fiscal year, among the several States in the following manner:

(1) For the Federal-aid primary system:

One-third in the ratio which the area of each State bears to the total area of all the States, except that only one-third of the area of Alaska shall be included; one-third in the ratio which the population of each State bears to the total population of all the States as shown by the latest available Federal census; one-third in the ratio which the mileage of rural delivery routes and star routes in each State bears to the total mileage of rural delivery and star routes in all the States at the close of the next preceding fiscal year, as shown by a certificate of the Postmaster General, which he is directed to make and furnish annually to the Secretary. No State shall receive less than one-half of 1 per centum of each year's apportionment.

(2) For the Federal-aid secondary system:

One-third in the ratio which the area of each State bears to the total area of all the States, except that only one-third of the area of Alaska shall be included; one-third in the ratio which the rural population of each State bears to the total rural population of all the States as shown by the latest available Federal census; and one-third in the ratio which the mileage of rural delivery and star routes, certified as above provided, in each State bears to the total mileage of rural delivery and star routes in all the States.

No State shall receive less than one-half of 1 per centum of each year's apportionment.

(3) For extensions of the Federal-aid primary and Federal-aid secondary systems within urban areas:

In the ratio which the population in municipalities and other urban places, of five thousand or more, in each State bears to the total population in municipalities and other urban places of five thousand or more in all the States, as shown by the latest available Federal census. For the purpose of this paragraph, Connecticut and Vermont towns shall be considered municipalities regardless of their incorporated status.

(4) For the Interstate System, for the fiscal years ending June 30, 1957, June 30, 1958, and June 30, 1959:

One-half in the ratio which the population of each State bears to the total population of all the States as shown by the latest available Federal census, except that no States shall receive less than three-fourths of 1 per centum of the funds so apportioned; and one-half in the manner provided in paragraph (1) of this subsection. The sums authorized by section 108 (b) of the Federal-aid Highway Act of 1956 for the fiscal years ending June 30, 1958, and June 30, 1959, shall be apportioned on a date not less than six months and not more than twelve months in advance of the beginning of the fiscal year for which authorized.

(5) For the Interstate System for the fiscal years 1960 through 1969:

In the ratio which the estimated cost of completing the Interstate System in each State, as determined and approved in the manner provided in this paragraph, bears to the sum of the estimated cost of completing the Interstate System in all of the States. Each apportionment herein authorized for the fiscal years 1960 through 1969, inclusive, shall be made on a date as far in advance of the beginning of the fiscal year for which authorized as practicable but in no case more than eighteen months prior to the beginning of the fiscal year for which authorized. As soon as the standards provided for in subsection (b) of section 109 of this title have been adopted, the Secretary, in cooperation with the State highway departments, shall make a detailed estimate of the cost of completing the Interstate System as then designated, after taking into account all previous apportionments made under this section, based upon such standards and in accordance with rules and regulations adopted by him and applied uniformly to all of the States. The Secretary shall transmit such estimates to the Senate and the House of Representatives within ten days subsequent to January 2, 1958. Upon approval of such estimate by the Congress by concurrent resolution, the Secretary shall use such approved estimate in making apportionments for the fiscal years ending June 30, 1960, June 30, 1961, and June 30, 1962. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System, after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1962. Upon approval of such estimate by the Congress by concurrent resolution, the Secretary shall use such approved estimate in making apportionments for the fiscal years ending June 30, 1963, June 30, 1964, June 30, 1965, and June 30, 1966. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System, after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1966, and annually thereafter through and including January 2, 1968. Upon approval of any such estimate by the Congress by concurrent resolution, the Secretary shall use such approved estimate in making apportionments for the fiscal year which begins next following the fiscal year in which such report is transmitted to the Senate and the House of Representatives. Whenever the Secretary, pursuant to this subsection, requests and receives estimates of cost from the State highway departments, he shall furnish copies of such estimates at the same time to the Senate and House of Representatives. In making the estimates of cost for completing the Interstate System as provided in this paragraph, the cost of completing any mileage designated from the one thousand additional miles authorized by section 108 (1) of the Federal-Aid Highway Act of 1956 shall be excluded.



(c) Not more than 20 per centum of the amount apportioned in any fiscal year, commencing with the apportionment of funds authorized to be appropriated under subsection (a) of section 102 of the Federal-Aid Highway Act of 1956 (70 Stat. 374), to each State in accordance with paragraphs (1), (2), or (3) of subsection (b) of this section may be transferred from the apportionment under one paragraph to the apportionment under any other of such paragraphs if such a transfer is requested by the State highway department and is approved by the Governor of such State and the Secretary as being in the public interest. The total of such transfers shall not increase the original apportionment under any of such paragraphs by more than 20 per centum. Nothing contained in this subsection shall alter or impair the authority contained in subsection (d) of this section.

(d) Any funds which are apportioned under paragraph (2) of subsection (b) of this section for the Federal-aid secondary system to a State in which all public roads and highways are under the control and supervision of the State highway department may, if the State highway department and the Secretary jointly agree that such funds are not needed for the Federal-aid secondary system, be expended for projects on another Federal-aid system.

(e) On or before January 1 preceding the commencement of each fiscal year, the Secretary shall certify to each of the State highway departments the sums which he has apportioned hereunder to each State for such fiscal year, and also the sums which he has deducted for administration and research pursuant to subsection (a) of this section.

#### § 105. Programs.

(a) As soon as practicable after the apportionments for the Federal-aid systems have been made for any fiscal year, the State highway department of any State desiring to avail itself of the benefits of this chapter shall submit to the Secretary for his approval a program or programs of proposed projects for the utilization of the funds apportioned. The Secretary shall act upon programs submitted to him as soon as practicable after the same have been submitted. The Secretary may approve a program in whole or in part, but he shall not approve any project in a proposed program which is not located upon an approved Federal-aid system.

(b) In approving programs for projects on the Federal-aid secondary system, the Secretary shall require, except in States where all public roads and highways are under the control and supervision of the State highway department, that such project be selected by the State highway department and the appropriate local officials in cooperation with each other.

(c) In approving programs for projects on the Federal-aid primary system, the Secretary shall give preference to such projects as will expedite the completion of an adequate and connected system of highways interstate in character.

(d) In approving programs for projects under this chapter, the Secretary may give priority of approval to, and expedite the construction of, projects that are recommended as important to the national defense by the Secretary of Defense, or other official authorized by the President to make such recommendation.

(e) In approving programs in Hawaii, the Secretary shall give preference to such projects as will expedite the completion of highways for the national defense or which will connect seaports with units of the national parks.

#### § 106. Plans, specifications, and estimates.

(a) Except as provided in section 117 of this title, the State highway department shall submit to the Secretary for his approval, as soon as practicable after program approval, such surveys, plans, specifications, and estimates for each proposed project included in an approved program as the Secretary may require. The Secretary shall act upon such surveys, plans, specifications, and estimates as soon as practicable after the same have been submitted, and his approval of any such project shall be deemed a contractual obligation of the Federal Government for the payment of its proportional contribution thereto. In taking such action, the Secretary shall be guided by the provisions of section 109 of this title.

(b) In addition to the approval required under subsection (a) of this section, proposed specifications for projects for construction on the Federal-aid secondary system, except in States where all public roads and highways are under the control and supervision of the State highway department, shall be



determined by the State highway department and the appropriate local officials in cooperation with each other.

(c) Items included in any such estimate for construction engineering shall not exceed 10 per centum of the total estimated cost of the project, after excluding from such total estimated cost, the estimated costs of rights-of-way, preliminary engineering and construction engineering.

#### § 107. Acquisition of rights-of-way—Interstate System

(a) In any case in which the Secretary is requested by a State to acquire lands or interests in lands (including within the term "interests in lands", the control of access thereto from adjoining lands) required by such State for right-of-way or other purposes in connection with the prosecution of any project for the construction, reconstruction, or improvement of any section of the Interstate System, the Secretary is authorized, in the name of the United States and prior to the approval of title by the Attorney General, to acquire, enter upon, and take possession of such lands or interests in lands by purchase, donation, condemnation, or otherwise in accordance with the laws of the United States (including the Act of February 26, 1931, 46 Stat. 1421), if—

(1) the Secretary has determined either that the State is unable to acquire necessary lands or interests in lands, or is unable to acquire such lands or interests in lands with sufficient promptness; and

(2) the State has agreed with the Secretary to pay, at such time as may be specified by the Secretary an amount equal to 10 per centum of the costs incurred by the Secretary, in acquiring such lands or interests in lands, or such lesser percentage which represents the State's pro rata share of project costs as determined in accordance with subsection (c) of section 120 of this title.

The authority granted by this section shall also apply to lands and interests in lands received as grants of land from the United States and owned or held by railroads or other corporations.

(b) The costs incurred by the Secretary in acquiring any such lands or interests in lands may include the cost of examination and abstract of title, certificate of title, advertising, and any fees incidental to such acquisition. All costs incurred by the Secretary in connection with the acquisition of any such lands or interests in lands shall be paid from the funds for construction, reconstruction, or improvement of the Interstate System apportioned to the State upon the request of which such lands or interests in lands are acquired, and any sums paid to the Secretary by such State as its share of the costs of acquisition of such lands or interests in lands shall be deposited in the Treasury to the credit of the appropriation for Federal-aid highways and shall be credited to the amount apportioned to such State as its apportionment of funds for construction, reconstruction, or improvement of the Interstate System, or shall be deducted from other moneys due the State for reimbursement from funds authorized to be appropriated under section 108 (b) of the Federal-Aid Highway Act of 1956.

(c) The Secretary is further authorized and directed by proper deed, executed in the name of the United States, to convey any such lands or interests in lands acquired in any State under the provisions of this section, except the outside five feet of any such right-of-way in any State which does not provide control of access, to the State highway department of such State or such political subdivision thereof as its laws may provide, upon such terms and conditions as to such lands or interests in lands as may be agreed upon by the Secretary and the State highway department or political subdivisions to which the conveyance is to be made. Whenever the State makes provision for control of access satisfactory to the Secretary, the outside five feet then shall be conveyed to the State by the Secretary, as herein provided.

(d) Whenever rights-of-way, including control of access, on the Interstate System are required over lands or interests in lands owned by the United States, the Secretary may make such arrangements with the agency having jurisdiction over such lands as may be necessary to give the State or other person constructing the projects on such lands adequate rights-of-way and control of access thereto from adjoining lands, and any such agency is directed to cooperate with the Secretary in this connection.

**§ 108. Advance acquisition of rights-of-way**

(a) For the purpose of facilitating the acquisition of rights-of-way on any of the Federal-aid highway systems, including the Interstate System, in the most expeditious and economical manner, and recognizing that the acquisition of rights-of-way requires lengthy planning and negotiations if it is to be done at a reasonable cost, the Secretary, upon the request of the State highway department, is authorized to make available the funds apportioned to any State for expenditure on any of the Federal-aid highway systems, including the Interstate System, for acquisition of rights-of-way, in anticipation of construction and under such rules and regulations as the Secretary may prescribe. The agreement between the Secretary and the State highway department for the reimbursement of the cost of such rights-of-way shall provide for the actual construction of a road on such rights-of-way within a period not exceeding five years following the fiscal year in which such request is made.

(b) Federal participation in the cost of rights-of-way acquired under this section shall not exceed the Federal pro rata share applicable to the class of funds from which Federal reimbursement is made.

**§ 109. Standards**

(a) The Secretary shall not approve plans and specifications for proposed projects on any Federal-aid system if they fail to provide for a facility (1) that will adequately meet the existing and probable future traffic needs and conditions in a manner conducive to safety, durability, and economy of maintenance; (2) that will be designed and constructed in accordance with standards best suited to accomplish the foregoing objectives and to conform to the particular needs of each locality.

(b) The geometric and construction standards to be adopted for the Interstate System shall be those approved by the Secretary in cooperation with the State highway departments. Such standards shall be adequate to accommodate the types and volumes of traffic forecast for the year 1975. The right-of-way width of the Interstate System shall be adequate to permit construction of projects on the Interstate System up to such standards. The Secretary shall apply such standards uniformly throughout the States.

(c) Projects on the Federal-aid secondary system in which Federal funds participate shall be constructed according to specifications that will provide all-weather service and permit maintenance at a reasonable cost.

(d) On any highway project in which Federal funds hereafter participate, or on any such project constructed since December 20, 1944, the location, form and character of informational, regulatory and warning signs, curb and pavement or other markings, and traffic signals installed or placed by any public authority or other agency, shall be subject to the approval of the State highway department with the concurrence of the Secretary, who is directed to concur only in such installations as will promote the safe and efficient utilization of the highways.

(e) No funds shall be approved for expenditure on any Federal-aid highway, or highway affected under chapter 2 of this title, unless proper safety protective devices complying with safety standards determined by the Secretary at that time as being adequate shall be installed or be in operation at any highway and railroad grade crossing or drawbridge on that portion of the highway with respect to which such expenditures are to be made.

(f) The Secretary shall not, as a condition precedent to his approval under section 106 of this title, require any State to acquire title to, or control of, any marginal land along the proposed highway in addition to that reasonably necessary for road surfaces, median strips, gutters, ditches, and side slopes, and of sufficient width to provide service roads for adjacent property to permit safe access at controlled locations in order to expedite traffic, promote safety, and minimize roadside parking.

**§ 110. Project agreements**

(a) As soon as practicable after the plans, specifications, and estimates for a specific project have been approved, the Secretary shall enter into a formal project agreement with the State highway department concerning the construction and maintenance of such project. Such project agreement shall make provision for State funds required for the State's pro rata share of the cost of construction of such project and for the maintenance thereof after completion of construction.



(b) The Secretary may rely upon representations made by the State highway department with respect to the arrangements or agreements made by the State highway department and appropriate local officials where a part of the project is to be constructed at the expense of, or in cooperation with, local subdivisions of the State.

#### **§ 111. Agreements relating to use of and access to rights-of-way, Interstate System**

All agreements between the Secretary and the State highway department for the construction of projects on the Interstate System shall contain a clause providing that the State will not add any points of access to, or exit from, the project in addition to those approved by the Secretary in the plans for such project, without the prior approval of the Secretary. Such agreements shall also contain a clause providing that the State will not permit automotive service stations or other commercial establishments for serving motor vehicle users to be constructed or located on the rights-of-way of the Interstate System. Such agreements may, however, authorize a State or political subdivision thereof to use the airspace above and below the established grade line of the highway pavement for the parking of motor vehicles provided such use does not interfere in any way with the free flow of traffic on the Interstate System.

#### **§ 112. Letting of contracts**

(a) In all cases where the construction is to be performed by the State highway department or under its supervision, a request for submission of bids shall be made by advertisement unless some other method is approved by the Secretary. The Secretary shall require such plans and specifications and such methods of bidding as shall be effective in securing competition.

(b) Construction of each project, subject to the provisions of subsection (a) of this section, shall be performed by contract awarded by competitive bidding, unless the Secretary shall affirmatively find that, under the circumstances relating to such project, some other method is in the public interest. All such findings shall be reported promptly in writing to the Committees on Public Works of the Senate and the House of Representatives.

(c) The Secretary shall require as a condition precedent to his approval of each contract awarded by competitive bidding pursuant to subsection (b) of this section, and subject to the provisions of this section, a sworn statement, executed by, or on behalf of, the person, firm, association, or corporation to whom such contract is to be awarded, certifying that such person, firm, association, or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with such contract.

(d) No contract awarded by competitive bidding pursuant to subsection (b) of this section, and subject to the provisions of this section, shall be entered into by any State highway department or local subdivision of the State without compliance with the provisions of this section, and without the prior concurrence of the Secretary in the award thereof.

(e) The provisions of this section shall not be applicable to contracts for projects on the Federal-aid secondary system in those States where the Secretary has discharged his responsibility pursuant to section 117 of this title.

#### **§ 113. Prevailing rate of wage—Interstate System**

(a) The Secretary shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors on the initial construction work performed on highway projects on the Interstate System authorized under section 108 (b) of the Federal-Aid Highway Act of 1956, shall be paid wages at rates not less than those prevailing on the same type of work on similar construction in the immediate locality as determined by the Secretary of Labor in accordance with the Act of August 30, 1935, known as the Davis-Bacon Act (40 U. S. C., sec. 276a).

(b) In carrying out the duties of subsection (a) of this section, the Secretary of Labor shall consult with the highway department of the State in which a project on the Interstate System is to be performed. After giving due regard to the information thus obtained, he shall make a predetermination of the minimum wages to be paid laborers and mechanics in accordance with the provisions of subsection (a) of this section which shall be set out in each project advertisement for bids and in each bid proposal form and shall be made a part of the contract covering the project.



#### § 114. Construction

(a) The construction of any highways or portions of highways located on a Federal-aid system shall be undertaken by the respective State highway departments or under their direct supervision. Except as provided in section 117 of this title, such construction shall be subject to the inspection and approval of the Secretary. The construction work and labor in each State shall be performed under the direct supervision of the State highway department and in accordance with the laws of that State and applicable Federal laws. Construction may be begun as soon as funds are available for expenditure pursuant to subsection (a) of section 118 of this title.

(b) Convict labor shall not be used in such construction unless it is labor performed by convicts who are on parole or probation.

#### § 115. Construction by States in advance of appointment—Interstate System

(a) When a State has obligated all funds apportioned to it under subsection (b) (4) and (5) of section 104 of this title, and proceeds to construct any project without the aid of Federal funds, including one or more parts of any project, on the Interstate System as designated at that time, in accordance with all procedures and all requirements applicable to projects financed with Interstate System funds authorized to be appropriated under subsection (b) of section 108 of the Federal-Aid Highway Act of 1956, except insofar as such procedures and requirements limit a State to the construction of projects with the aid of Federal funds previously apportioned to it, the Secretary, upon application by such State and his approval of such application, is authorized to pay to such State the Federal share of the costs of construction of such project when additional funds are apportioned to such State under subsection (b) (4) and (5) of section 104 of this title if:

(1) prior to the construction of the project the Secretary shall have approved the plans and specifications therefor in the same manner as other projects on the Interstate System, and

(2) the project shall conform to the standards adopted under subsection (b) of section 109 of this title.

(b) In determining the apportionment for any fiscal year under the provisions of subsection (b) (5) of section 104 of this title, any such project constructed by a State without the aid of Federal funds shall not be considered completed until an application under the provisions of this section with respect to such project has been approved by the Secretary.

#### § 116. Maintenance

(a) Except as provided in subsection (d) of this section, it shall be the duty of the State highway department to maintain, or cause to be maintained, any project constructed under the provisions of this chapter or constructed under the provisions of prior Acts. The State's obligation to the United States to maintain any such project shall cease when it no longer constitutes a part of a Federal-aid system.

(b) In any State wherein the State highway department is without legal authority to maintain a project constructed on the Federal-aid secondary system, or within a municipality, such highway department shall enter into a formal agreement for its maintenance with the appropriate officials of the county or municipality in which such project is located.

(c) If at any time the Secretary shall find that any project constructed under the provisions of this chapter, or constructed under the provisions of prior Acts, is not being properly maintained, he shall call such fact to the attention of the State highway department. If, within ninety days after receipt of such notice, such project has not been put in proper condition of maintenance, the Secretary shall withhold approval of further projects of all types in the entire State until such project shall have been put in proper condition of maintenance, unless such project is subject to an agreement pursuant to subsection (b) of this section, in which case approval shall be withheld only for secondary or urban projects in the county or municipality where such project is located.

(d) The Federal-aid funds apportioned to the Territory of Alaska and the funds contributed by the Territory under section 120 of this title may be expended for the maintenance of roads within the system or systems of roads agreed upon under section 103 (f) of this title under the same terms and conditions as for the construction of such roads.

**§ 117. Secondary road responsibility**

(a) The Secretary may, upon the request of any State highway department, discharge his responsibility relative to the plans, specifications, estimates, surveys, contract awards, design, inspection, and construction of all projects on the Federal-aid secondary system by his receiving and approving a certified statement by the State highway department setting forth that the plans, design, and construction for each such project are in accord with those standards and procedures which (1) were adopted by such State highway department, (2) were applicable to projects in this category, and (3) were approved by him.

(b) The Secretary shall not approve such standards and procedures unless they are in accordance with the provisions of subsection (b) of section 105, subsection (b) of section 106, and subsection (c) of section 109, of this title.

(c) Subsections (a) and (b) of this section shall not be construed to relieve the Secretary of his obligation to make a final inspection of each project after construction and to require an adequate showing of the estimated cost of construction and the actual cost of construction.

**§ 118. Availability of sums apportioned**

(a) On and after the date that the Secretary has certified to each State highway department the sums apportioned to each Federal-aid system or part thereof pursuant to an authorization under this title, or under prior Acts, such sums shall be available for expenditure under the provisions of this title.

(b) Such sums shall continue available for expenditure in that State for the appropriate Federal-aid system or part thereof for a period of two years after the close of the fiscal year for which such sums are authorized and any amounts so apportioned remaining unexpended at the end of such period shall lapse, except that any amount apportioned to the States for the Interstate System under subsection (b) (4) and (5) of section 104 of this title remaining unexpended at the end of the period during which it is available under this section shall lapse and shall immediately be reapportioned among the other States in accordance with the provisions of subsection (b) (5) of section 104 of this title. Such sums for any fiscal year shall be deemed to be expended if a sum equal to the total of the sums apportioned to the State for such fiscal year and previous fiscal years is covered by formal project agreements providing for the expenditure of funds authorized by each Act which contains provisions authorizing the appropriation of funds for Federal-aid highways. Any Federal-aid highway funds released by the payment of the final voucher or by the modification of the formal project agreement shall be credited to the same class of funds, primary, secondary, urban, or interstate, previously apportioned to the State and be immediately available for expenditure.

(c) The total payments to any State shall not at any time during a current fiscal year exceed the total of all apportionments to such State in accordance with section 104 of this title for such fiscal year and all preceding fiscal years.

**§ 119. Administration of Federal aid for highways in Alaska**

(a) The Secretary shall administer the functions, duties, and authority pertaining to the construction, repair and maintenance of roads, tramways, ferries, bridges, trails, and other works in Alaska, conferred upon the Department of the Interior and, prior to September 16, 1956, administered by the Secretary of the Interior under the Act of June 30, 1932 (47 Stat. 446; 48 U. S. C., sec. 321a and following).

(b) The Secretary shall, by order or regulations, distribute the functions, duties, and authority required to be administered by him under subsection (a) of this section and appropriations pertaining thereto as he may deem proper to accomplish the economical and effective organization and administration thereof.

**§ 120. Federal share payable**

(a) Subject to the provisions of subsections (d) and (h) of this section, the Federal share payable on account of any project, financed with primary, secondary, or urban funds, on the Federal-aid primary system and the Federal-aid secondary system shall not exceed 50 per centum of the cost of construction, except that in the case of any State containing unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, exceeding 5 per centum of the total area of all lands therein, the Federal share shall be increased by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State, is of its total area.



(b) Subject to the provisions of subsection (d) of this section, the Federal share payable on account of any project, financed with interstate funds on the Interstate System, authorized to be appropriated prior to June 29, 1956, shall not exceed 60 per centum of the cost of construction, except that in the case of any State containing unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, exceeding 5 per centum of the total area of all lands therein, the Federal share shall be increased by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State, is of its total area. The provisions of subsection (a) of this section shall apply to any project financed with funds authorized by the provisions of section 2 of the Federal-Aid Highway Act of 1952.

(c) Subject to the provisions of subsection (d) of this section, the Federal share payable on account of any project on the Interstate System provided for by funds made available under the provisions of section 108 (b) of the Federal-Aid Highway Act of 1956 shall be increased to 90 per centum of the total cost thereof, plus a percentage of the remaining 10 per centum of such cost in any State containing unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, exceeding 5 per centum of the total area of all lands therein, equal to the percentage that the area of such lands in such State is of its total area, except that such Federal share payable on any project in any State shall not exceed 95 per centum of the total cost of such project.

(d) The Federal share payable on account of any project for the elimination of hazards of railway-highway crossings, as more fully described and subject to the conditions and limitations set forth in section 130 of this title, may amount to 100 per centum of the cost of construction of such projects, except that not more than 50 per centum of the right-of-way and property damage costs, paid from public funds, on any such project, may be paid from sums apportioned in accordance with section 104 of this title. Not more than 10 per centum of all the sums apportioned for all the Federal-aid systems for any fiscal year in accordance with section 104 of this title shall be used under this subsection or under section 130 of this title.

(e) The Secretary may rely on a statement from the Secretary of the Interior as to the area of the lands referred to in subsections (a) and (b) of this section. The Secretary of the Interior is authorized and directed to provide such statement annually.

(f) The Federal share payable on account of any repair or reconstruction provided for by funds made available under section 125 of this title shall not exceed 50 per centum of the cost thereof.

(g) The Secretary is authorized to cooperate with the State highway departments and with the Department of the Interior in the construction of Federal-aid highways within Indian reservations and national parks and monuments under the jurisdiction of the Department of the Interior and to pay the amount assumed therefor from the funds apportioned in accordance with section 104 of this title to the State wherein the reservations and national parks and monuments are located.

(h) The Territory of Alaska shall contribute funds each fiscal year in an amount that shall be not less than 10 per centum of the Federal funds apportioned to it for such fiscal year, such contribution to be deposited in a special account in the Federal Treasury for use in conjunction with the Federal funds apportioned to the Territory. The Federal funds apportioned to the Territory of Alaska and the funds contributed by the Territory may be expended by the Secretary either directly or in cooperation with the Alaska Highway and Public Works Board and may be so expended separately or in combination and without regard to the matching provisions of this chapter.

#### § 121. Payment to States for construction

(a) The Secretary may, in his discretion, from time to time as the work progresses, make payments to a State for costs of construction incurred by it on a project. These payments shall at no time exceed the Federal share of the costs of construction incurred to the date of the voucher covering such payment plus the Federal share of the value of the materials which have been stockpiled in the vicinity of such construction in conformity to plans and specifications for the project.

(b) After completion of a project in accordance with the plans and specifications, and approval of the final voucher by the Secretary, a State shall be entitled to payment out of the appropriate sums apportioned to it of the unpaid balance of the Federal share payable on account of such project.



(c) No payment shall be made under this chapter, except for a project located on a Federal-aid system and covered by a project agreement. No final payment shall be made to a State for its costs of construction of a project until the completion of the construction has been approved by the Secretary following inspections pursuant to section 114 (a) of this title.

(d) In making payments pursuant to this section, the Secretary shall be bound by the limitations with respect to the permissible amounts of such payments contained in sections 120 and 130 of this title. Payments for construction engineering on any one project shall not exceed 10 per centum of the Federal share of the cost of construction of such project after excluding from the cost of construction the costs of rights-of-way, preliminary engineering, and construction engineering.

(e) Such payments shall be made to such official or officials or depository as may be designated by the State highway department and authorized under the laws of the State to receive public funds of the State.

#### **§ 122. Payment to States for bond retirement**

Any State that shall use the proceeds of bonds issued by the State, county, city, or other political subdivision of the State for the construction of one or more projects on the Federal-aid primary or Interstate System, or extensions of any of the Federal-aid highway systems in urban areas, may claim payment of any portion of the sums apportioned to it for expenditure on such system to aid in the retirement of the principal of such bonds at their maturities, to the extent that the proceeds of such bonds have been actually expended in the construction of one or more of such projects. Such claim for payment may be made only when all of the provisions of this title have been complied with to the same extent and with the same effect as though payment were to be made to the State under section 121 of this title, instead of this section, and the Federal share payable shall not exceed the pro rata basis of payment authorized in section 120 of this title. This section shall not be construed as a commitment or obligation on the part of the United States to provide funds for the payment of the principal of any such bonds.

#### **§ 123. Relocation of utility facilities**

(a) When a State shall pay for the cost of relocation of utility facilities necessitated by the construction of a project on the Federal-aid primary or secondary systems or on the Interstate System, including extensions thereof within urban areas, Federal funds may be used to reimburse the State for such cost in the same proportion as Federal funds are expended on the project. Federal funds shall not be used to reimburse the State under this section when the payment to the utility violates the law of the State or violates a legal contract between the utility and the State. Such reimbursement shall be made only after evidence satisfactory to the Secretary shall have been presented to him substantiating the fact that the State has paid such cost from its own funds with respect to Federal-aid highway projects for which Federal funds are obligated subsequent to April 16, 1958, for work, including relocation of utility facilities.

(b) The term "utility", for the purposes of this section, shall include publicly, privately, and cooperatively owned utilities.

(c) The term "cost of relocation", for the purposes of this section, shall include the entire amount paid by such utility properly attributable to such relocation after deducting therefrom any increase in the value of the new facility and any salvage value derived from the old facility.

#### **§ 124. Advances to States**

If the Secretary shall determine that it is necessary for the expeditious completion of projects on any of the Federal-aid systems, including the Interstate System, he may advance to any State out of any existing appropriations the Federal share of the cost of construction thereof to enable the State highway department to make prompt payments for acquisitions of rights-of-way, and for the construction as it progresses. The sums so advanced shall be deposited in a special revolving trust fund, by the State official authorized under the laws of the State to receive Federal-aid highway funds, to be disbursed solely upon vouchers approved by the State highway department for rights-of-way which have been or are being acquired, and for construction which has been actually performed and approved by the Secretary pursuant to this chapter. Upon determination by the Secretary that any part of the funds advanced to any State under the provisions of this section are no longer required, the amount of the advance, which is

determined to be in excess of current requirements of the State, shall be repaid upon his demand, and such repayments shall be returned to the credit of the appropriation from which the funds were advanced. Any sum advanced and not repaid on demand shall be deducted from sums due the State for the Federal pro rata share of the cost of construction of Federal-aid projects.

#### § 125. Emergency relief

An emergency fund is authorized for expenditure by the Secretary in accordance with the provisions of this section. The Secretary may expend funds therefrom, after receipt of an application therefor from a State highway department, for the repair or reconstruction of highways and bridges on the Federal-aid highway systems, including the Interstate System, in accordance with the provisions of this chapter which he shall find have suffered serious damage as the result of disaster over a wide area, such as by floods, hurricanes, tidal waves, earthquakes, severe storms, landslides, or other catastrophes in any part of the United States. The appropriation of such moneys, not to exceed \$30,000,000, as may be necessary for the initial establishment of this fund and for its replenishment on an annual basis is authorized. Pending such appropriation or replenishment, the Secretary may expend from existing Federal-aid highway appropriations, such sums as may be necessary for the immediate prosecution of the work herein authorized, such existing appropriations to be reimbursed from the appropriation hereinabove authorized when made. No funds shall be expended under the provisions of this section with respect to any such catastrophe in any State unless an emergency has been declared by the Governor of such State and concurred in by the Secretary.

#### § 126. Diversion

(a) Since it is unfair and unjust to tax motor-vehicle transportation unless the proceeds of such taxation are applied to the construction, improvement, or maintenance of highways, after June 30, 1935, Federal aid for highway construction shall be extended only to those States that use at least the amounts provided by law on June 18, 1934, for such purposes in each State from State motor vehicle registration fees, licenses, gasoline taxes, and other special taxes on motor-vehicle owners and operators of all kinds for the construction, improvement, and maintenance of highways and administrative expenses in connection therewith, including the retirement of bonds for the payment of which such revenues have been pledged, and for no other purposes, under such regulations as the Secretary of Commerce shall promulgate from time to time.

(b) In no case shall the provisions of this section operate to deprive any State of more than one-third of the entire apportionment authorized under this chapter to which that State would be entitled in any fiscal year. The amount of any reduction in a State's apportionment shall be reapportioned in the same manner as any other unexpended balance at the end of the period during which it otherwise would be available in accordance with section 104 (b) of this title.

#### § 127. Vehicle weight and width limitations—Interstate System

No funds authorized to be appropriated for any fiscal year under section 108 (b) of the Federal-Aid Highway Act of 1956 shall be apportioned to any State within the boundaries of which the Interstate System may lawfully be used by vehicles with weight in excess of eighteen thousand pounds carried on any one axle, or with a tandem-axle weight in excess of thirty-two thousand pounds, or with an overall gross weight in excess of seventy-three thousand two hundred and eighty pounds, or with a width in excess of ninety-six inches, or the corresponding maximum weights or maximum widths permitted for vehicles using the public highways of such State under laws or regulations established by appropriate State authority in effect on July 1, 1956, whichever is the greater. Any amount which is withheld from apportionment to any State pursuant to the foregoing provisions shall lapse. This section shall not be construed to deny apportionment to any State allowing the operation within such State of any vehicles or combinations thereof that could be lawfully operated within such State on July 1, 1956.

#### § 128. Public hearings

(a) Any State highway department which submits plans for a Federal-aid highway project involving the bypassing of, or going through, any city, town, or village, either incorporated or unincorporated, shall certify to the Secretary that it has had public hearings, or has afforded the opportunity for such hear-



ings, and has considered the economic effects of such a location. Any State highway department which submits plans for an Interstate System project shall certify to the Secretary that it has had public hearings at a convenient location, or has afforded the opportunity for such hearings, for the purpose of enabling persons in rural areas through or contiguous to whose property the highway will pass to express any objections they may have to the proposed location of such highway.

(b) When hearings have been held under subsection (a), the State highway department shall submit a copy of the transcript of said hearings to the Secretary, together with the certification.

#### ✓ § 129. Toll roads, bridges and tunnels

(a) Notwithstanding the provisions of section 301 of this title, the Secretary may permit Federal participation, on the same basis and in the same manner as in the construction of free highways under this chapter, in the construction of any toll bridge, toll tunnel, or approach thereto, upon compliance with the conditions contained in this section. Such bridge, tunnel, or approach thereto, must be publicly owned and operated. Federal funds may participate in the approaches to a toll bridge or toll tunnel whether such bridge or tunnel is to be or has been constructed, or acquired, by the State or other public authority. The State highway department or departments must be a party or parties to an agreement with the Secretary whereby it or they undertake performance of the following obligations:

(1) all tolls received from the operation of the bridge or tunnel, less the actual cost of such operation and maintenance, shall be applied to the repayment to the State or other public authority of all of the costs of construction or acquisition of such bridge or tunnel, except that part which was contributed by the United States;

(2) no tolls shall be charged for the use of such bridge or tunnel after the State or other public authority shall have been so repaid; and

(3) after the date of final repayment, the bridge or tunnel shall be maintained and operated as a free bridge or free tunnel.

(b) Upon a finding by the Secretary that such action will promote the development of an integrated Interstate System, the Secretary is authorized to approve as part of the Interstate System any toll road, bridge or tunnel, now or hereafter constructed which meets the standards adopted for the improvement of projects located on the Interstate System, when such toll road, bridge or tunnel is located on a route heretofore or hereafter designated as a part of the Interstate System. No Federal-aid highway funds shall be expended for the construction, reconstruction or improvement of any such toll road, except to the extent permitted by law after June 29, 1956. No Federal-aid highway funds shall be expended for the construction, reconstruction or improvement of any such toll bridge or tunnel, except to the extent permitted by law on or after June 29, 1956.

(c) Funds authorized under prior Acts for expenditure on any of the Federal-aid highway systems, including the Interstate System, shall be available for expenditure on projects approaching any toll road, bridge or tunnel to a point where such project will have some use irrespective of its use for such toll road, bridge or tunnel.

(d) Funds authorized for the Interstate System shall be available for expenditure on Interstate System projects approaching any toll road on the Interstate System, although the project has no use other than an approach to such toll road, if an agreement satisfactory to the Secretary has been reached with the State prior to the approval of such project—

(1) that the section of toll road will become free to the public upon the collection of tolls sufficient to liquidate the cost of the toll road or any bonds outstanding at the time constituting a valid lien against such section of toll road covered in the agreement and their maintenance and operation and debt service during the period of toll collections, and

(2) that there is one or more reasonably satisfactory alternate free routes available to traffic by which the toll section of the system may be bypassed.

#### § 130. Railway-highway crossings

(a) Except as provided in subsection (d) of section 120 of this title and subsection (b) of this section, the entire cost of construction of projects for the elimination of hazards of railway-highway crossings, including the separation or protection of grades at crossings, the reconstruction of existing railroad grade crossing structures, and the relocation of highways to eliminate grade crossings,



may be paid from sums apportioned in accordance with section 104 of this title. In any case when the elimination of the hazards of a railway-highway crossing can be effected by the relocation of a portion of a railway at a cost estimated by the Secretary to be less than the cost of such elimination by one of the methods mentioned in the first sentence of this section, then the entire cost of such relocation project, except as provided in subsection (d) of section 120 of this title and subsection (b) of this section, may be paid from sums apportioned in accordance with section 104 of this title.

(b) The Secretary may classify the various types of projects involved in the elimination of hazards of railway-highway crossings, and may set for each such classification a percentage of the costs of construction which shall be deemed to represent the net benefit to the railroad for the purpose of determining the railroad's share of the cost of construction. The percentage so determined shall in no case exceed 10 per centum. The Secretary shall determine the appropriate classification of each project.

(c) Any railroad involved in a project for the elimination of hazards of railway-highway crossings paid for in whole or in part from sums made available for expenditure under this title, or prior Acts, shall be liable to the United States for the net benefit to the railroad determined under the classification of such project made pursuant to subsection (b) of this section. Such liability to the United States may be discharged by direct payment to the State highway department of the State in which the project is located, in which case such payment shall be credited to the cost of the project. Such payment may consist in whole or in part of materials and labor furnished by the railroad in connection with the construction of such project. If any such railroad fails to discharge such liability within a six-month period after completion of the project, it shall be liable to the United States for its share of the cost, and the Secretary shall request the Attorney General to institute proceedings against such railroad for the recovery of the amount for which it is liable under this subsection. The Attorney General is authorized to bring such proceedings on behalf of the United States, in the appropriate district court of the United States, and the United States shall be entitled in such proceedings to recover such sums as it is considered and adjudged by the court that such railroad is liable for in the premises. Any amounts recovered by the United States under this subsection shall be credited to miscellaneous receipts.

### § 131. Areas adjacent to the Interstate System

(a) To promote the safety, convenience, and enjoyment of public travel and the free flow of interstate commerce and to protect the public investment in the National System of Interstate and Defense Highways, it is declared to be in the public interest to encourage and assist the States to control the use of and to improve areas adjacent to the Interstate System by controlling the erection and maintenance of outdoor advertising signs, displays, and devices adjacent to that system. It is declared to be a national policy that the erection and maintenance of outdoor advertising signs, displays, or devices within six hundred and sixty feet of the edge of the right-of-way and visible from the main-traveled way of all portions of the Interstate System constructed upon any part of right-of-way, the entire width of which is acquired subsequent to July 1, 1956, should be regulated, consistent with national standards to be prepared and promulgated by the Secretary, which shall include only the following four types of signs, and no signs advertising illegal activities:

(1) Directional or other official signs or notices that are required or authorized by law.

(2) Signs advertising the sale or lease of the property upon which they are located.

(3) Signs erected or maintained pursuant to authorization or permitted under State law, and not inconsistent with the national policy and standards of this section, advertising activities being conducted at a location within twelve miles of the point at which such signs are located.

(4) Signs erected or maintained pursuant to authorization in State law and not inconsistent with the national policy and standards of this section, and designed to give information in the specific interest of the traveling public.

(b) The Secretary of Commerce is authorized to enter into agreements with State highway departments (including such supplementary agreements as may be necessary) to carry out the national policy set forth in subsection (a) of this

section with respect to the Interstate System within the State. Any such agreement shall include provisions for regulation and control of the erection and maintenance of advertising signs, displays, and other advertising devices in conformity with the standards established in accordance with subsection (a) of this section and may include, among other things, provisions for preservation of natural beauty, prevention of erosion, landscaping, reforestation, development of viewpoints for scenic attractions that are accessible to the public without charge, and the erection of markers, signs, or plaques, and development of areas in appreciation of sites of historical significance. Upon application of the State, any such agreement may, within the discretion of the Secretary of Commerce, consistent with the national policy, provide for excluding from application of the national standards segments of the Interstate System which traverse incorporated municipalities wherein the use of real property adjacent to the Interstate System is subject to municipal regulation or control, or which traverse other areas where the land use is clearly established by State law as industrial or commercial, and any such segment excluded from the application of such standards shall not be considered in computing the increase of the Federal share payable on account thereof.

(c) Notwithstanding the provisions of section 109 of this title, if an agreement pursuant to this section has been entered into with any State prior to July 1, 1961, the Federal share payable on account of any project on the Interstate System within that State provided for by funds authorized under the provisions of section 108 (b) of the Federal-Aid Highway Act of 1956, as amended by section 8 of the Federal-Aid Highway Act of 1958, to which the national policy and the agreement apply, shall be increased by one-half of one per centum of the total cost thereof, not including any additional cost that may be incurred in the carrying out of the agreement. The increase in the Federal share which is payable hereunder shall be paid only from appropriations from moneys in the Treasury not otherwise appropriated, which such appropriations are hereby authorized.

(d) Whenever any portion of the Interstate System is located upon or adjacent to any public lands or reservations of the United States, the Secretary of Commerce may make such arrangements and enter into such agreements with the agency having jurisdiction over such lands or reservations as may be necessary to carry out the national policy set forth in subsection (a) of this section, and any such agency is authorized and directed to cooperate fully with the Secretary of Commerce in this connection.

(e) Whenever a State shall acquire by purchase or condemnation the right to advertise or regulate advertising in an area adjacent to the right-of-way of a project on the Interstate System for the purpose of implementing this section, the cost of such acquisition shall be considered as a part of the cost of construction of such project and Federal funds may be used to pay the Federal pro rata share of such cost. Reimbursement to the State shall be made only with respect to that portion of such cost which does not exceed 5 per centum of the cost of the right-of-way for such project.

## CHAPTER 2—OTHER HIGHWAYS

Sec.

- 201. Authorizations.
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### § 201. Authorizations

The provisions of this title shall apply to all unappropriated authorizations contained in prior Acts, and also to all unexpended appropriations heretofore made, providing for the expenditure of Federal funds on the following classes of highways: Forest highways, forest development roads and trails, park roads and trails, parkways, Indian reservation roads, public lands highways, and defense access roads. All such authorizations and appropriations shall continue in full force and effect, but hereafter obligations entered into and expenditures made pursuant thereto shall be subject to the provisions of this title.



### § 202. Apportionment or allocation

(a) On or before January 1 next preceding the commencement of each fiscal year, the Secretary shall apportion the sums authorized to be appropriated for such fiscal year for forest highways in the several States, according to the area and value of the land owned by the United States within the national forests therein, which the Secretary of Agriculture is directed to determine and certify to the Secretary from such information, sources, and departments as the Secretary of Agriculture may deem most accurate.

(b) Sums authorized to be appropriated for forest development roads and trails shall be allocated by the Secretary of Agriculture according to the relative needs of the various national forests, taking into consideration the existing transportation facilities, value of timber or other resources served, relative fire danger, and comparative difficulties of road and trail construction.

(c) Sums authorized to be appropriated for public lands highways shall be allocated by the Secretary among those States having more than 5 per centum of their area in unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations, on the basis of need in such States, respectively, as determined by the Secretary upon application of the State highway departments of the respective States. Preference shall be given to those projects which are located on a Federal-aid system.

### § 203. Availability of funds

Funds now authorized for forest highways, forest development roads and trails, park roads and trails, parkways, Indian reservation roads, and public lands highways shall be available for contract upon apportionment, or date not earlier than one year preceding the beginning of the fiscal year for which authorized if no apportionment is required. Any amount remaining unexpended for a period of two years after the close of the fiscal year for which authorized shall lapse. The Secretary of the Department charged with the administration of such funds is granted authority to incur obligations, approve projects, and enter into contracts under such authorizations and his action in doing so shall be deemed a contractual obligation of the United States for the payment of the cost thereof and such funds shall be deemed to have been expended when so obligated. Any funds heretofore or hereafter authorized for any fiscal year for forest highways, forest development roads and trails, park roads and trails, parkways, Indian roads, and public lands highways shall be deemed to have been expended if a sum equal to the total of the sums authorized for such fiscal year and previous fiscal years since and including the fiscal year ending June 30, 1955, shall have been obligated. Any of such funds released by payment of final voucher or modification of project authorizations shall be credited to the balance of unobligated authorizations and be immediately available for expenditure.

### § 204. Forest highways

(a) Funds available for forest highways shall be used by the Secretary to pay for the cost of construction and maintenance thereof. In connection therewith, the Secretary may enter into construction contracts and such other contracts with a State, or civil subdivision thereof as he deems advisable.

(b) Cooperation of States, counties, or other local subdivisions, may be accepted but shall not be required by the Secretary.

(c) Construction estimated to cost \$5,000 or more per mile, exclusive of bridges, shall be advertised and let to contract. If such estimated cost is less than \$5,000 per mile or if, after proper advertising, no acceptable bid is received or the bids are deemed excessive, the work may be done by the Secretary on his own account. For such purpose, the Secretary may purchase, lease, hire, rent, or otherwise obtain all necessary supplies, materials, tools, equipment, and facilities required to perform the work, and may pay wages, salaries, and other expenses for help employed in connection with such work.

(d) All appropriations for forest highways shall be administered in conformity with regulations jointly approved by the Secretary and the Secretary of Agriculture.

(e) The Secretary shall transfer to the Secretary of Agriculture from appropriations for forest highways such amounts as may be needed to cover necessary administrative expenses of the Forest Service in connection with the forest-highway program.

(f) Funds available for forest highways shall be available for adjacent vehicular parking areas and for sanitary, water, and fire control facilities.



**§ 205. Forest development roads and trails**

(a) Funds available for forest development roads and trails shall be used by the Secretary of Agriculture to pay for the cost of construction and maintenance thereof, including roads and trails, on experimental areas under Forest Service administration. In connection therewith, the Secretary of Agriculture may enter into construction contracts with a State or civil subdivision thereof, and issue such regulations as he deems advisable.

(b) Cooperation of States, counties, or other local subdivisions may be accepted but shall not be required by the Secretary of Agriculture.

(c) Construction estimated to cost \$10,000 or more per mile, exclusive of bridges, shall be advertised and let to contract. If such estimated cost is less than \$10,000 per mile or if, after proper advertising, no acceptable bid is received or the bids are deemed excessive, the work may be done by the Secretary of Agriculture on his own account. For such purpose, the Secretary of Agriculture may purchase, lease, hire, rent, or otherwise obtain all necessary supplies, materials, tools, equipment, and facilities required to perform the work, and may pay wages, salaries, and other expenses for help employed in connection with such work.

(d) Funds available for forest development roads and trails shall be available for adjacent vehicular parking areas and for sanitary, water, and fire control facilities.

**§ 206. Park roads and trails**

(a) Funds available for park roads and trails shall be used to pay for the cost of construction and improvement thereof.

(b) Appropriations for the construction and improvement of park roads shall be administered in conformity with regulations jointly approved by the Secretary and the Secretary of the Interior.

**§ 207. Parkways**

(a) Funds available for parkways shall be used to pay for the cost of construction and improvement thereof.

(b) Appropriations for the construction of parkways shall be administered in conformity with regulations jointly approved by the Secretary and the Secretary of the Interior.

(c) The location of parkways upon public lands, national forests, or other Federal reservations, shall be determined by agreement between the department having jurisdiction over such lands and the Secretary of the Interior.

**§ 208. Indian reservation roads**

(a) Funds available for Indian reservation roads and bridges shall be used to pay for the cost of construction and improvement thereof.

(b) The Secretary shall approve the location, type, and design of all projects for Indian reservation roads and bridges before any expenditures are made thereon and all construction thereof shall be under the general supervision of the Secretary.

(c) Indian labor may be employed in such construction and improvement under such rules and regulations as may be prescribed by the Secretary of the Interior.

**§ 209. Public lands highways**

(a) Funds available for public lands highways shall be used by the Secretary to pay for the cost of construction and maintenance thereof.

(b) The Secretary is authorized to cooperate with the State highway departments and with the Secretary of the Department having jurisdiction over the particular lands, in the survey, construction, and maintenance of public lands highways.

(c) The provisions of section 112 of this title are applicable to public lands highways.

**§ 210. Defense access roads**

(a) The Secretary is authorized, out of the funds appropriated for defense access roads, to provide for the construction and maintenance of defense access roads (including bridges, tubes, and tunnels thereon) to military reservations, to defense industries and defense industry sites, and to the sources of raw materials when such roads are certified to the Secretary as important to the national defense by the Secretary of Defense or such other official as the President may designate, and for replacing existing highways and highway connec-

tions that are shut off from the general public use by necessary closures or restrictions at military reservations and defense industry sites.

(b) Funds appropriated for the purposes of this section shall be available, without regard to apportionment among the several States, for paying all or any part of the cost of the construction and maintenance of defense access roads.

(c) Not exceeding \$5,000,000 of any funds appropriated under the Act approved October 16, 1951 (65 Stat. 422), may be used by the Secretary in areas certified to him by the Secretary of Defense as maneuver areas for such construction, maintenance, and repair work as may be necessary to keep the highways therein, which have been or may be used for training of the Armed Forces, in suitable conditions for such training purposes and for repairing the damage caused to such highways by the operations of men and equipment in such training.

(d) Whenever any project for the construction of a circumferential highway around a city or of a radial intracity route thereto submitted by any State is certified by the Secretary of Defense, or such other official as the President may designate, as being important for civilian or military defense, such project may be constructed out of the funds heretofore or hereafter authorized to be appropriated for defense access roads.

(e) If the Secretary shall determine that the State highway department of any State is unable to obtain possession and the right to enter upon and use the required rights-of-way, lands, or interest in lands, improved or unimproved, required for any project authorized by this section with sufficient promptness, the Secretary is authorized to acquire, enter upon, take possession thereof, and expend funds for projects thereon, prior to approval of title by the Attorney General, in the name of the United States, such rights-of-way, lands, or interest in lands as may be required in such State for such projects by purchase, donation, condemnation, or otherwise in accordance with the laws of the United States (including the Act of February 26, 1931; 46 Stat. 1421). The cost incurred by the Secretary in acquiring any such rights-of-way, lands, or interest in lands may include the cost of examination and abstract of title, certificate of title, advertising, and any fees incidental to such acquisition; and shall be payable out of the funds available for paying the cost or the Federal share of the cost of the project for which such rights-of-way, lands, or interests in lands are acquired. The Secretary is further authorized and directed by proper deed executed in the name of the United States to convey any lands or interests in lands acquired in any State under the provisions of prior Acts or of this section to the State highway department of such State or to such political subdivision thereof as its laws may provide, upon such terms and conditions as may be agreed upon by the Secretary and the State highway department, or political subdivisions to which the conveyance is to be made.

(f) The provisions of section 112 of this title are applicable to defense access roads.

### § 211. Timber access road hearings

With respect to any proposed construction of a timber access road from funds authorized for carrying out the provisions of sections 204, 205, and 210 of this title, advisory public hearings may be held at a place of convenience or adjacent to the area of construction with notice and reasonable opportunity for interested persons to present their views as to the practicability and feasibility of such construction.

### § 212. Inter-American Highway

(a) Funds appropriated for the Inter-American Highway shall be used to enable the United States to cooperate with the Governments of the American Republics situated in Central America—that is, with the Governments of the Republic of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama—in the survey and construction of the Inter-American Highway within the borders of the aforesaid Republics, respectively. Not to exceed one-third of the appropriation authorized for each fiscal year may be expended without requiring the country or countries in which such funds may be expended to match any part thereof, if the Secretary of State shall find that the cost of constructing said highway in such country or countries will be beyond their reasonable capacity to bear. The remainder of such authorized appropriations shall be available for expenditure only when matched to the extent required by this section by the country in which such expenditure may be made. Ex-



penditures from the funds available on a matching basis shall not be made for the survey and construction of any portion of said highway within the borders of any country named herein unless such country shall provide and make available for expenditure in conjunction therewith a sum equal to at least one-third of the expenditures that may be incurred by that Government and the United States on such portion of the highway. All expenditures by the United States under the provisions of this section for material, equipment, and supplies shall, whenever practicable, be made for products of the United States or of the country in which such survey or construction work is being carried on. Construction work to be performed under contract shall be advertised for a reasonable period by the Minister of Public Works, or other similar official, of the government concerned in each of the participating countries and contracts shall be awarded pursuant to such advertisements with the approval of the Secretary. No part of the appropriations authorized shall be available for obligation or expenditure for work on said highway in any co-operating country unless the government of said country shall have assented to the provisions of this section; shall have furnished satisfactory assurances that it has an organization adequately qualified to administer the functions required of such country under the provisions hereof; and then only as such country may submit requests, from time to time, for the construction of any portion of the highway to standards adequate to meet present and future traffic needs. No part of said appropriations shall be available for obligation or expenditure in any such country until the government of that country shall have entered into an agreement with the United States which shall provide, in part, that said country—

(1) will provide, without participation of funds authorized, all necessary rights-of-way for the construction of said highway, which rights-of-way shall be of a minimum width where practicable of one hundred meters in rural areas and fifty meters in municipalities and shall forever be held inviolate as a part of the highway for public use;

(2) will not impose any highway toll, or permit any such toll to be charged, for use by vehicles or persons of any portion of said highway constructed under the provisions of this section;

(3) will not levy or assess, directly or indirectly, any fee, tax, or other charge for the use of said highway by vehicles or persons from the United States that does not apply equally to vehicles or persons of such country.

(4) will continue to grant reciprocal recognition of vehicle registration and drivers' license in accordance with the provisions of the Convention for the Regulation of Inter-American Automotive Traffic, which was opened for signature at the Pan American Union in Washington on December 15, 1943, and to which such country and the United States are parties, or of any other treaty or international convention establishing similar reciprocal recognition; and

(5) will provide for the maintenance of said highway after its completion in condition adequately to serve the needs of present and future traffic.

(b) The survey and construction work authorized by this section shall be under the administration of the Secretary, who shall consult with the appropriate officials of the Department of State with respect to matters involving the foreign relations of this Government, and such negotiations with the Governments of the American Republics named in subsection (a) of this section as may be required to carry out the purposes of this section shall be conducted through, or as authorized by, the Department of State.

(c) The provisions of this section shall not create nor authorize the creation of any obligations on the part of the Government of the United States with respect to any expenditures for highway construction or survey heretofore or hereafter undertaken in any of the countries enumerated in subsection (a) of this section, other than the expenditures authorized by the provisions of this section.

(d) Appropriations made pursuant to any authorizations heretofore, or hereafter enacted for the Inter-American Highway shall be considered available for expenditure by the Secretary for necessary administrative and engineering expenses in connection with the Inter-American Highway program.

### § 213. Rama Road

(a) Recognizing the mutual benefits that will accrue to the Republic of Nicaragua and to the United States from the completion of the road from San



Benito to Rama in said Republic of Nicaragua, the construction of which road was begun and partially completed pursuant to an agreement between said Republic and the United States, the Secretary is authorized out of the funds appropriated for such purposes to provide for the construction of such road. Appropriations made for such purposes shall remain available until expended. No expenditure shall be made hereunder for the construction of said road until a request therefor shall have been received by the Secretary of State from the Government of the Republic of Nicaragua nor until an agreement shall have been entered into by said Republic with the Secretary of State which shall provide, in part, that said Republic—

(1) will provide, without participation of funds authorized under this title, or under prior Acts, all necessary right-of-way for the construction of said highway, which right-of-way shall be of a minimum width, where practicable, of one hundred meters in rural areas and fifty meters in municipalities and shall forever be held inviolate as a part of the highway for public use;

(2) will not impose any highway toll, or permit any such toll to be charged for the use of said highway by vehicles or persons;

(3) will not levy or assess, directly or indirectly, any fee, tax, or other charge for the use of said road by vehicles or persons from the United States that does not apply equally to vehicles or persons of such Republic;

(4) will continue to grant reciprocal recognition of vehicle registration and drivers' licenses in accordance with the provisions of the Convention for the Regulation of Inter-American Automotive Traffic, which was opened for signature at the Pan American Union in Washington on December 15, 1943, and to which such Republic and the United States are parties; or any other treaty or international convention establishing similar reciprocal recognition; and

(5) will maintain said road after its completion in proper condition adequately to serve the needs of present and future traffic.

(b) The funds appropriated for such purposes shall be available for expenditure in accordance with the terms of this section for the survey and construction of said road from San Benito to Rama in the Republic of Nicaragua without being matched by said Republic, and all expenditures made under the provisions of this section for materials, equipment, and supplies, shall, whenever practicable, be made for products of the United States or of the Republic of Nicaragua.

(c) The survey and construction work undertaken pursuant to this section shall be under the general supervision of the Secretary.

### CHAPTER 3—GENERAL PROVISIONS

- Sec.
- 301. Freedom from tolls.
- 302. State highway department.
- 303. Bureau organization.
- 304. Participation by small-business enterprises.
- 305. Archeological and paleontological salvage.
- 306. Mapping.
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- 310. Civil Defense.
- 311. Highway improvements strategically important to the national defense.
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- 318. Appropriation for highway purposes of lands or interests in lands owned by the United States.
- 319. Highway relocation due to airport.
- 320. Landscaping.
- 321. Bridges on Federal dams.

#### § 301. Freedom from tolls

Except as provided in section 129 of this title with respect to certain toll bridges and toll tunnels, all highways constructed under the provisions of this title shall be free from tolls of all kinds.

#### § 302. State highway department

(a) Any State desiring to avail itself of the provisions of this title shall have a State highway department which shall have adequate powers, and be suitably equipped and organized to discharge to the satisfaction of the Secretary the

duties required by this title. Among other things, the organization shall include a secondary road unit.

(b) The State highway department may arrange with a county or group of counties for competent highway engineering personnel suitably organized and equipped to the satisfaction of the State highway department, to supervise construction and maintenance on a county-unit or group-unit basis, for the construction of projects on the Federal-aid secondary system, financed with secondary funds, and for the maintenance thereof.

### **§ 303. Bureau organization**

(a) The Bureau of Public Roads shall be in the Department of Commerce as a primary unit administered by the Federal Highway Administrator, appointed by the President by and with the advice and consent of the Senate. The Administrator shall receive basic compensation at the rate prescribed by law for Assistant Secretaries of executive departments and shall perform such duties as the Secretary of Commerce may prescribe or as may be required by law. There shall be a Commissioner of Public Roads in the Bureau of Public Roads who shall be appointed by the Secretary and perform such duties as may be prescribed by the Federal Highway Administrator. The Commissioner of Public Roads shall receive basic compensation at the rate of \$17,500 per annum.

(b) The Secretary is authorized to employ such assistants, clerks, and other persons in the city of Washington and elsewhere, to be taken from the eligible lists of the Civil Service Commission, to rent buildings outside of the city of Washington, to purchase such supplies, material, equipment, office fixtures and apparatus, to advertise in the city of Washington for work to be performed in areas adjacent thereto, and to incur, and authorize the incurring of, such travel and other expenses as he may deem necessary for carrying out the functions under this title.

(c) The Secretary is authorized to procure temporary services in accordance with the provisions of section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), but at rates for individuals not in excess of \$100 per diem.

### **§ 304. Participation by small business enterprises**

It is declared to be in the national interest to encourage and develop the actual and potential capacity of small business and to utilize this important segment of our economy to the fullest practicable extent in construction of the Federal-aid highway systems, including the Interstate System. In order to carry out that intent and encourage full and free competition, the Secretary should assist, insofar as feasible, small business enterprises in obtaining contracts in connection with the prosecution of the highway program.

### **§ 305. Archeological and paleontological salvage**

Funds authorized to be appropriated under the Federal-Aid Highway Act of 1956, to the extent approved as necessary by the highway department of any State, may be used for archeological and paleontological salvage in that State in compliance with the Act entitled "An Act for the preservation of American antiquities", approved June 8, 1906 (34 Stat. 225), and State laws were applicable.

### **§ 306. Mapping**

In carrying out the provisions of this title, the Secretary may, wherever practicable, authorize the use of photogrammetric methods in mapping, and the utilization of commercial enterprise for such services.

### **§ 307. Research and planning**

(a) The Secretary is authorized in his discretion to engage in research on all phases of highway construction, modernization, development, design, maintenance, safety, financing, and traffic conditions, including the effect thereon of State laws and is authorized to test, develop, or assist in the testing and developing of any material, invention, patented article, or process. The Secretary may publish the results of such research. The Secretary may carry out the authority granted hereby, either independently, or in cooperation with any other branch of the Government, State agency, authority, association, institution, corporation (profit or nonprofit), or any other organization, or person. The funds required to carry out the provisions of this subsection shall be taken out of the administrative and research funds authorized by section 104 of this



title and such funds as may be deposited in a special account with the Secretary of the Treasury for such purposes by any cooperating organization or person. The provisions of section 3709 of the Revised Statutes, as amended (41 U. S. C. 5), shall not be applicable to contracts or agreements made under the authority of this subsection.

(b) The Secretary shall include in the highway research program herein authorized studies of economic highway geometries, structures, and desirable weight and size standards for vehicles using the public highways and of the feasibility of uniformity in State regulations with respect to such standards and he shall report from time to time to the Committees on Public Works of the Senate and of the House of Representatives on the progress and findings with respect to such studies.

(c) Not to exceed  $1\frac{1}{2}$  per centum of the sums apportioned for any year to any State under section 104 of this title shall be available for expenditure upon request of the State highway department, with the approval of the Secretary, with or without State funds, for engineering and economic surveys and investigations, for the planning of the future highway programs and the financing thereof, for studies of the economy, safety, and convenience of highway usage and the desirable regulation and equitable taxation thereof, and for research necessary in connection with the planning, design, construction, and maintenance of highways and highway systems, and the regulation and taxation of their use.

#### **§ 308. Cooperation with Federal and State agencies and foreign countries**

(a) The Secretary is authorized to perform by contract or otherwise, authorized engineering or other services in connection with the survey, construction, maintenance, or improvement of highways for other Government agencies, cooperating foreign countries, and State cooperating agencies, and reimbursement for such services, which may include depreciation on engineering and road-building equipment used, shall be credited to the appropriation concerned.

(b) Appropriations for the work of the Bureau of Public Roads shall be available for expenses of warehouse maintenance and the procurement, care, and handling of supplies, materials, and equipment for distribution to projects under the supervision of the Bureau of Public Roads, or for sale or distribution to other Government agencies, cooperating foreign countries, and State cooperating agencies, and the cost of such supplies and materials or the value of such equipment, including the cost of transportation and handling, may be reimbursed to current applicable appropriations.

#### **§ 309. Cooperation with other American Republics**

The President is authorized to utilize the services of the Bureau of Public Roads in fulfilling the obligations of the United States under the Convention on the Pan-American Highway Between the United States and Other American Republics (51 Stat. 152), cooperating with several governments, members of the Organization of American States, in connection with the survey and construction of the Inter-American Highway, and for performing engineering service in the other American Republics for and upon the request of any agency or governmental corporation of the United States. To the extent authorized in appropriation acts, administrative funds available in accordance with subsection (a) of section 104 of this title shall be available annually for the purpose of this section.

#### **§ 310. Civil defense**

In order to assure that adequate consideration is given to civil defense aspects in the planning and construction of highways constructed or reconstructed with the aid of Federal funds, the Secretary of Commerce is authorized and directed to consult, from time to time, with the Federal Civil Defense Administrator relative to the civil defense aspects of highways so constructed or reconstructed.

#### **§ 311. Highway improvements strategically important to the national defense**

Funds made available under subsection (a) of section 104 of this title may be used to pay the entire engineering costs of the surveys, plans, specifications, estimates, and supervision of construction of projects for such urgent improvements of highways strategically important from the standpoint of the national defense as may be undertaken on the order of the Secretary and as the result of request of the Secretary of Defense or such other official as the President may designate. With the consent of a State, funds made available under subsection (b) of section 104 of this title may be used to the extent deemed necessary and advisable by the Secretary to carry out the provisions of this section.



**§ 312. Detail of Army, Navy, and Air Force officers**

The Secretary of Defense, upon request of the Secretary, is authorized to make temporary details to the Bureau of Public Roads of officers of the Army, the Navy, and the Air Force, without additional compensation, for technical advice and for consultation regarding highway needs for the national defense. Travel and subsistence expenses of officers so detailed shall be paid from appropriations available to the Department of Commerce on the same basis as authorized by law and by regulations of the Department of Defense for such officers.

**§ 313. Highway Safety Conference**

The Secretary is authorized and directed to assist in carrying out the action program of the President on highway safety, and to cooperate with the State highway departments and other agencies in this program to advance the cause of safety on highways. Not to exceed \$150,000 out of the administrative funds made available in accordance with subsection (a) of section 104 of this title may be expended annually for the purposes of this section.

**§ 314. Relief of employees in hazardous work**

The Secretary is authorized in an emergency to use appropriations to the Department of Commerce for carrying out the provisions of this title for medical supplies, services, and other assistance necessary for the immediate relief of employees of the Bureau of Public Roads engaged in hazardous work.

**§ 315. Detail of employees as students**

During any fiscal year the Secretary is authorized in his discretion to detail not to exceed ten of the regularly employed personnel of the Bureau of Public Roads as students for limited periods at such technical institutions as will enable such personnel to acquire special knowledge which will better fit them for the lines of work to which they are assigned. No expense other than the salaries of such personnel and the cost of tuition and other regular fees required at such institutions shall be incurred by the Secretary under this section.

**§ 316. Rules, regulations, and recommendations**

Except as provided in sections 204 (d), 205 (a), 206 (b), 207 (b), and 208 (c) of this title, the Secretary is authorized to prescribe and promulgate all needful rules and regulations for the carrying out of the provisions of this title. The Secretary may make such recommendations to the Congress and State highway departments as he deems necessary for preserving and protecting the highways and insuring the safety of traffic thereon.

**§ 317. Consent by United States to conveyance of property**

For the purposes of this title the consent of the United States is given to any railroad or canal company to convey to the State highway department of any State, or its nominee, any part of its right-of-way or other property in that State acquired by grant from the United States.

**§ 318. Appropriation for highway purposes of lands or interests in lands owned by the United States**

(a) If the Secretary determines that any part of the lands or interests in lands owned by the United States is reasonably necessary for the right-of-way of any highway, or as a source of materials for the construction or maintenance of any such highway adjacent to such lands or interests in lands, the Secretary shall file with the Secretary of the Department supervising the administration of such lands or interests in lands owned by the United States is reasonably interests in lands which it is desired to appropriate.

(b) If within a period of four months after such filing, the Secretary of such Department shall have certified to the Secretary that the proposed appropriation of such land or material is contrary to the public interest or inconsistent with the purposes for which such land or materials have been reserved, or shall have agreed to the appropriation and transfer under conditions which he deems necessary for the adequate protection and utilization of the reserve, then such land and materials may be appropriated and transferred to the State highway department, or its nominee, for such purposes and subject to the conditions so specified.

(c) If at any time the need for any such lands or materials for such purposes shall no longer exist, notice of the fact shall be given by the State highway department to the Secretary and such lands or materials shall immediately revert to the control of the Secretary of the Department from which they had been appropriated.

(d) The provisions of this section shall apply only to projects constructed on a Federal-aid system or under the provisions of chapter 2 of this title.

### § 319. Highway relocation due to airport

Federal highway funds shall not be used for the reconstruction or relocation of any highway giving access to an airport constructed or extended after December 20, 1944, or for the reconstruction or relocation of any highway which has been or may be closed or the usefulness of which has been or may be impaired by the location or construction of any airport constructed or extended after December 20, 1944, unless, prior to such construction or extension, as the case may be, the State highway department and the Secretary have concurred with the officials in charge of the airport that the location of such airport or extension thereof and the consequent reconstruction or relocation of the highway are in the public interest.

### § 320. Landscaping

The construction of highways by the States with funds apportioned in accordance with section 104 of this title may include such roadside and landscape developments, including such sanitary and other facilities as may be deemed reasonably necessary to provide for the suitable accommodation of the public, all within the highway right-of-way and adjacent publicly owned or controlled rest and recreational areas of limited size and with provision for convenient and safe access thereto by pedestrian and vehicular traffic, as may be approved by the Secretary. Such construction likewise may include the purchase of such adjacent strips of land of limited width and primary importance for the preservation of the natural beauty through which highways are constructed, as may be approved by the Secretary. Not to exceed 3 per centum of such sums, apportioned to a State in any fiscal year in accordance with section 104 of this title may be used by it for the purchase of such adjacent strips of land without being matched by such State.

### § 321. Bridges on Federal dams

(a) Each executive department, independent establishment, office, board, bureau, commission, authority, administration, corporation wholly owned or controlled by the United States, or other agency of the Government of the United States, hereinafter collectively and individually referred to as "agency", which on or after July 29, 1946, has jurisdiction over and custody of any dam constructed or to be constructed and owned by or for the United States, is authorized, with any funds available to it, to design and construct any such dam in such manner that it will constitute and serve as a suitable and adequate foundation to support a public highway bridge upon and across such dam, and to design and construct upon the foundation thus provided a public highway bridge upon and across such dam. The highway department of the State in which such dam shall be located, jointly with the Secretary, shall first determine and certify to such agency that such bridge is economically desirable and needed as a link in the State or Federal-aid highway systems, and shall request such agency to design and construct such dam so that it will serve as a suitable and adequate foundation for a public highway bridge and to design and construct such public highway bridge upon and across such dam, and shall agree to reimburse such agency pursuant to subsection (d) of this section for any additional costs which it may be required to incur because of the design and construction of such dam so that it will serve as a foundation for a public highway bridge and for expenditures which it may find it necessary to make in designing and constructing such public highway bridge upon and across such dam. In no case shall the design and construction of a bridge upon and across such dam be undertaken hereunder except by the agency having jurisdiction over and custody of the dam, acting directly or through contractors employed by it, and after such agency shall determine that it will be structurally feasible and will not interfere with the proper functioning and operation of the dam.

(b) Construction of any bridge upon and across any dam pursuant to this section shall not be commenced unless and until the State in which such bridge is to be located, or the appropriate subdivision of such State, shall enter into an agreement with such agency and with the Secretary to construct, or cause to be constructed, with or without the aid of Federal funds, the approach roads necessary to connect such bridge with existing public highways and to maintain, or cause to be maintained, such approach roads from and after their completion. Such agreement may also provide for the design and construction of such bridge



upon and across the dam by such agency of the United States and for reimbursing such agency the costs incurred by it in the design and construction of the bridge as provided in subsection (d) of this section. Any such agency is hereby authorized to convey to the State, or to the appropriate subdivision thereof, without costs, such easements and rights-of-way in its custody or over lands of the United States in its custody and control as may be necessary, convenient, or proper for the location, construction, and maintenance of the approach roads referred to in this section including such roadside parks or recreational areas of limited size as may be deemed necessary for the accommodation of the traveling public. Any bridge constructed pursuant to this section upon and across a dam in the custody and jurisdiction of any agency of the United States, including such portion thereof, if any, as may extend beyond the physical limits of the dam, shall constitute and remain a part of said dam and be maintained by the agency. Any such agency may enter into any such contracts and agreements with the State or its subdivisions respecting public use of any bridge so located and constructed as may be deemed appropriate, but no such bridge shall be closed to public use by the agency except in cases of emergency or when deemed necessary in the interest of national security.

(c) All costs and expenses incurred and expenditures made by any agency in the exercise of the powers and authority conferred by this section (but not including any costs, expenses, or expenditures which would have been required in any event to satisfy a legal road or bridge relocation obligation or to meet operating or other agency needs) shall be recorded and kept separate and apart from the other costs, expenses, and expenditures of such agency, and no portion thereof shall be charged or allocated to flood control, navigation, irrigation, fertilized production, the national defense, the development of power, or other program, purpose, or function of such agency.

(d) Not to exceed \$10,000,000 of any money heretofore or hereafter appropriated for expenditure in accordance with the provisions of this title or prior Acts shall be available for expenditure by the Secretary in accordance with the provisions of this section, as an emergency fund, to reimburse any agency for any additional costs or expenditures which it may be required to incur because of the design and construction of any such dam so that it will constitute and serve as a foundation for a public highway bridge upon and across such dam and to reimburse any such agency for any costs, expenses, or expenditures which it may be required to make in designing and constructing any such bridge upon and across a dam in accordance with the provisions of this section, except such costs, expenses, or expenditures as would have been required of such agency in any event to satisfy a legal obligation to relocate a highway or bridge or to meet operating or other agency needs, and there is authorized to be appropriated any sum or sums necessary to reimburse the funds so expended by the Secretary from time to time under the authority of this section. Of each bridge constructed upon and across a dam under the provisions of this section, there may be financed wholly with Federal funds that portion thereof which is located within the physical limits of the masonry structure, or structures, of the dam, and the Secretary shall in his sole discretion determine what additional portion of the bridge, if any, may be so financed, such determination to be final and conclusive. The remainder of the bridge, and any necessary related approach roads, shall be financed by the State or its appropriate subdivision with or without the aid of Federal funds; but said portion of the bridge so financed by the State or its subdivisions, including such portion thereof, if any, as may extend beyond the physical limits of the dam, shall nevertheless be designed and constructed solely by the agency having custody and jurisdiction of the dam as provided in subsection (a) of this section.

(e) In making, reviewing, or approving the design of any bridge or approach structure to be constructed under this section, the agency shall, in matters relating to roadway design, loadings, clearances and widths, and traffic safeguards, give full consideration to and be guided by the standards and advice of the Secretary.

(f) The authority conferred by this section shall be in addition to and not in limitation of authority conferred upon any agency by any other law, and nothing in this section contained shall affect or be deemed to relate to any bridge, approach structure, or highway constructed or to be constructed by any such agency in furtherance of its lawful purposes and requirements or to satisfy a legal obligation incurred independently of this section.



## REPEAL OF PRIOR ACTS

SEC. 2. The following Acts and portion of Acts cited by reference to the Statutes at Large, except for the provisions and sections hereinafter excepted, are hereby repealed:

1. Act of July 11, 1916 (39 Stat., ch. 241, page 355).
2. Sections 5, 6, 7, 8, and 9 of Act of February 28, 1919 (40 Stat., ch. 60, page 1189 at 1200-1202).
3. Act of November 9, 1921 (42 Stat., ch. 119, page 212).
4. Section 4 of Act of June 19, 1922 (42 Stat., ch. 227, page 652 at 660-661).
5. Section 1 of Act of March 10, 1924 (43 Stat., ch. 46, page 17).
6. Act of February 12, 1925 (43 Stat., ch. 219, page 889).
7. Act of June 22, 1926 (44 Stat., ch. 648, page 760).
8. Act of March 3, 1927 (44 Stat., ch. 370, page 1398).
9. Act of May 21, 1928 (45 Stat., ch. 660, page 683).
10. Act of May 26, 1928 (45 Stat., ch. 755, page 750).
11. Act of April 4, 1930 (46 Stat., ch. 105, page 141).
12. Act of May 5, 1930 (46 Stat., ch. 226, page 261).
13. Act of June 24, 1930 (46 Stat., ch. 593, page 805).
14. Act of February 20, 1931 (46 Stat., ch. 231, page 1173).
15. Act of February 23, 1931 (46 Stat., ch. 283, page 1415).
16. Section 304 of Act of July 21, 1932 (47 Stat., ch. 520, page 709 at 722).
17. Subsection (g) of section 204 of Act of June 16, 1933 (48 Stat., ch. 90, page 195 at 204).
18. Act of June 18, 1934 (48 Stat., ch. 586, page 993).
19. Act of June 16, 1936 (49 Stat., ch. 582, page 1519).
20. Act of June 23, 1936 (49 Stat., ch. 730, page 1891).
21. Act of June 8, 1938 (52 Stat., ch. 328, page 633), except the following provision: Section 4 thereof.
22. Act of July 19, 1939 (53 Stat., ch. 328, page 1066).
23. Act of September 5, 1940 (54 Stat., ch. 715, page 867).
24. Act of November 19, 1941 (55 Stat., ch. 474, page 765).
25. Act of July 2, 1942 (56 Stat., ch. 474, page 562).
26. Act of July 13, 1943 (57 Stat., ch. 236, page 560), except the following provision: Subsection (a) of section 7 thereof.
27. Act of April 4, 1944 (58 Stat., ch. 164, page 189).
28. Act of December 20, 1944 (58 Stat., ch. 626, page 838).
29. Act of July 31, 1945 (59 Stat., ch. 333, page 507).
30. Act of July 29, 1946 (60 Stat., ch. 694, page 709).
31. Act of June 21, 1947 (61 Stat., ch. 114, page 136).
32. Act of June 29, 1948 (62 Stat., ch. 732, page 1105).
33. Act of September 7, 1950 (64 Stat. 785).
34. Act of October 15, 1951 (65 Stat., ch. 501, page 421), except the following provision: Section 1 thereof.
35. Act of October 16, 1951 (65 Stat., ch. 507, page 422).
36. Act of June 25, 1952 (66 Stat., ch. 462, page 158), except the following provisions:
  - (a) The first two paragraphs of section 1;
  - (b) The first sentence of section 2;
  - (c) In section 3 in the first sentence the following words: "For the purpose of carrying out the provisions of section 23 of the Federal Highway Act (42 Stat. 218), as amended and supplemented, there is hereby authorized to be appropriated (1) for forest highways the sum of \$22,500,000 for the fiscal year ending June 30, 1954, and a like sum for the fiscal year ending June 30, 1955, and (2) for forest development roads and trails the sum of \$22,500,000 for the fiscal year ending June 30, 1955";
  - (d) In subsection (a) of section 4 the following words: "For the construction, reconstruction, and improvement of roads and trails, inclusive of necessary bridges, in national parks, monuments, and other areas administered by the National Park Service, including areas authorized to be established as national parks and monuments, and national park and monument approach roads authorized by the Act of January 31, 1931 (46 Stat. 1053), as amended, there is hereby authorized to be appropriated the sum of \$10,000,000 for the fiscal year ending June 30, 1955.";
  - (e) Subsection (b) of section 4;
  - (f) In subsection (c) of section 4 the following words: "For the construction, improvement, and maintenance of Indian reservation roads and bridges to

provide access to Indian reservations and Indian lands under the provisions of the Act approved May 26, 1928 (45 Stat. 750), there is hereby authorized to be appropriated the sum of \$10,000,000 for the fiscal year ending June 30, 1955";

(g) In the first sentence of section 5 the following words: "Recognizing the mutual benefits that will accrue to the Republic of Nicaragua and to the United States from the completion of the road from San Benito to Rama in said Republic of Nicaragua, the construction of which road was begun and partially completed pursuant to an agreement between said Republic and the United States, there is hereby authorized to be appropriated \$2,000,000 for the fiscal year ending June 30, 1954, for the construction of such road, to be available until expended.";

(h) The first sentence of section 6;

(i) In section 8 the following words: "For the purpose of carrying out the provisions of section 10 of the Federal-Aid Highway Act of 1950 (64 Stat. 785), there is hereby authorized to be appropriated for the survey, construction, reconstruction, and maintenance of main roads through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations the sum of \$2,500,000 for the fiscal year ending June 30, 1955, to remain available until expended."

(j) Section 10 to the first proviso.

37. Act of May 6, 1954 (68 Stat., ch. 181, page 70), except the following provisions:

(a) The first two paragraphs of section 1;

(b) The last five provisos of section 1;

(c) The first sentence of subsection (a) of section 2;

(d) The first sentence of section 3 to the word "Provided";

(e) Section 4 to the word "Provided";

(f) Section 5;

(g) The first sentence of section 7;

(h) Section 8 to the word "Provided";

(i) Section 14;

(j) Section 18; and

(k) Section 22.

38. Title I of the Act of June 29, 1956 (70 Stat. 374), except the following provisions:

(a) Subsection (a) (1) (2) of section 102;

(b) The first sentence of section 103 (a) to the word "Provided";

(c) Section 104 (a), section 104 (b), and section 104 (c), to the word "Provided";

(d) Section 105;

(e) Subsections (b), (c), and (d) of section 107;

(f) Section 108 (b) and (c);

(g) Section 108 (k);

(h) Section 114;

(i) Section 117; and

(j) The last proviso of section 118.

39. Sections 1 and 3 of the Act approved August 3, 1956 (70 Stat. 990).

40. Act of April 16, 1958 (72 Stat. 89) except the following provisions:

(a) Subsection (a) (1) (2) of section 1;

(b) Section 2;

(c) The first sentence of section 3 (a) to the word "Provided" and the third, fourth and fifth provisos;

(d) Subsection (b) of section 3;

(e) Section 4 (a), section 4 (b) and section 4 (c) to the word "Provided";

(f) Section 5;

(g) Section 7;

(h) Section 8; and

(i) Section 9.

#### CONSTRUCTION

SEC. 3. (a) If any provision of title 23, as enacted by section 1 of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the title and the application of the provision to other persons or circumstances shall not be affected thereby.

(b) The provisions of this Act shall be subject to Reorganization Plan Numbered 5 of 1950 (64 Stat. 1263).



## SAVINGS CLAUSE

SEC. 4. Any rights or liabilities now existing under prior Acts or portions thereof shall not be affected by the repeal of such prior Acts or portions under section 2 of this Act.

## REPORT AND RECOMMENDATIONS

SEC. 5. The Secretary of Commerce is hereby directed to submit to the Congress not later than February 1, 1959, a report on the progress made in attaining the objectives set forth in section 101 of title 23, as enacted by section 1 of this Act, together with recommendations.

Passed the House of Representatives June 26, 1958.

Attest:

RALPH R. ROBERTS, *Clerk*.

Senator McNAMARA. The first witness is a representative of the Bureau of Public Roads.

Mr. TALLAMY. Secretary Rothschild is here.

Senator McNAMARA. All right. We will be glad to have Secretary Rothschild present his views.

Mr. Rothschild, I see you have a prepared statement that isn't too long. Do you care to present it in full or do you want to summarize it and print it completely in the record?

Mr. ROTHSCHILD. Mr. Chairman, I think my summary would be as long as the statement.

Senator McNAMARA. All right. You may proceed in your own way.

**STATEMENT OF HON. LOUIS S. ROTHSCHILD, UNDER SECRETARY OF COMMERCE FOR TRANSPORTATION; ACCOMPANIED BY C. W. ENFIELD, GENERAL COUNSEL, BUREAU OF PUBLIC ROADS**

Mr. ROTHSCHILD. Mr. Chairman and members of the committee, I appreciate this opportunity to present the views of the Department with respect to H. R. 12776, which would restate existing Federal highway laws of the United States while retaining the fundamental and underlying concepts of Federal highway legislation. There is a great need for this legislation, and we strongly recommend enactment of the bill.

Motor-vehicle transportation has become a major importance in the United States and the construction of an adequate network of highways to serve the transportation needs of this country is of critical importance. Participation by the Federal Government in the construction of the Nation's highways through the Bureau of Public Roads of the Department of Commerce has increased proportionately over the years with the increase in the highway needs of the Nation.

Inception of the Federal-aid highway program came in 1916 with the enactment of the Federal-Aid Road Act which appropriated the sum of \$5 million to assist the States in the construction of highways for fiscal year 1917. The Federal-Aid Highway Act of 1958, the latest in the series of major highway programs, authorized the appropriation of \$3,400 million for Federal-aid highways, including the Interstate System, for fiscal year 1960.

It is essential that a program of such magnitude, involving the expenditure of such great sums of money, be administered with the utmost efficiency. To this end, it is highly desirable that the officials

responsible for the administration of the Federal-aid highway program have the benefit of a clear and concise code of laws, arranged in a logical and orderly sequence.

Our present Federal-highway laws are contained in 40 separate enactments, not counting the many appropriation acts. Determining the controlling law on a particular subject is frequently difficult and time consuming, particularly for the State highway departments which, in many instances, do not have convenient access to all congressional enactments on the subject.

H. R. 12776 would recodify existing Federal highway legislation into a single package with the various provisions of law arranged in a logical and orderly sequence. Since this would simplify the administration of the Federal highway laws and result in a corresponding increase in efficiency and economy, we urge enactment of the proposed legislation.

Senator McNAMARA. Thank you, sir. I am sure your comment was quite in order that you can't very well summarize such a short statement and save any time.

Are there any questions or comments from members of the committee?

Senator CASE?

Senator CASE. Well, Mr. Chairman, I want to ask a few questions of some witness. I don't know whether Mr. Rothschild would be the one to answer all of the questions I have in mind or not.

I will ask him a general question, and that is, whether he can state, or will counsel for the Department state, that there is no material change and no change of substance between the existing statutes and the bills before us, H. R. 12776, or S. 3953.

Mr. ROTHSCHILD. We did so testify before the House committee, Senator CASE, and Mr. Enfield is here and will be glad to point out any differences, if there are any.

Senator CASE. I do want to ask some questions with regard to specific provisions which have been worked into the Federal law over a period of time.

For example, the reference to Indian roads: Will the definition of Indian roads and the purposes for which Indian-roads money may be expended under the language here include roads leading to Indian reservations as well as those actually on Indian reservations?

Senator McNAMARA. Did you get the question, sir?

Mr. ENFIELD. Senator, do you have the section that you refer to?

Senator McNAMARA. We will have it in a minute for you.

Senator CASE. On page 51 of the printed H. R. 12776 there is listed repeal of prior acts, and at page 51, paragraph (f), at the bottom of the page, under item 36, act of June 25, 1952, it reads:

In subsection (c) of section 4 the following words: "For the construction, improvement, and maintenance of Indian reservation roads and bridges and roads and bridges to provide access to Indian reservations and Indian lands under the provisions of the Act—

And so forth.

Now, that reservation, or clause, "and roads and bridges to provide access to Indian reservations and Indian lands," was legislation that developed during the course of highway legislation. Is that providing of access maintained in the new codification?



Mr. ENFIELD. Senator Case, this particular provision, paragraph (f), is exempted from the repeal. If you look at item 36 near the top of the page, you will notice the effect of this section is to repeal all of the act of June 25, 1952, except the enumerated provisions. Therefore, paragraph (f) remains in effect.

Senator CASE. Is it set forth in the new codification?

Mr. ENFIELD. This particular provision of the 1952 act is not. The definition of Indian-reservation roads is on page 3 in the codification bill. It reads as follows:

The term "Indian reservation roads and bridges" means roads and bridges that are located within an Indian reservation or that provide access to an Indian reservation or Indian land \* \* \*

Senator CASE (reading):

\* \* \*, and that are jointly designated by the Secretary of the Interior and the Secretary as a part of the Indian Bureau road system.

Mr. ENFIELD. Right.

Senator CASE. The reason I raise that question, Mr. Chairman, is that I know of cooperative agreements between the State highway commissions and the Bureau of Public Roads, where the State highway commission may build a portion of a road leading to an Indian reservation, recognizing that some of that road serves some non-Indians, but the main purpose of the road may be to give an Indian reservation access to a highway or access to a town or railroad or some school or something of that sort. There are cooperative agreements whereby the State highway commission, through a county highway department may build part of the road and the Indian Service may build a part of the road, but if it were not for that language which we got into the highway legislation some years ago the Indian Service would not have been able to have expended any of its money outside of the actual confines of the reservation itself.

Your interpretation, then, Mr. Enfield, is that that provision is preserved by this definition?

Mr. ENFIELD. That provision is preserved, yes, sir.

Senator CASE. There is another development of a highway legislation which was carried, I think, in the 1954 act for the first time, and that was to establish for park roads and trails, for forest roads and trails, for Indian roads, and also for public lands the contractual authority to make it possible for the Secretary of Agriculture in the case of the forest roads and the Secretary of the Interior in the case of the park and Indian roads to proceed to let contracts with the force of contractual obligation and that feature of the highway legislation was developed in order that the Federal departments might have authority to proceed with road programing on the basis of the biennial highway authorizations the same as States do under the authority given when an apportionment is made of the regular ABC funds.

Now, does the codified bill preserve the contractual authority for the forest, park, Indian, and public land roads as mentioned?

Mr. ENFIELD. I was trying to place my finger on that particular provision in this bill; I haven't at the moment located it, but I am sure it does.

Senator McNAMARA. Senator Jordan says he has to leave for another committee hearing.

Senator CASE. I would be very glad to yield.

Senator JORDAN. You asked the very question I wanted to ask in the beginning. Does this embody the previous laws into one here without maybe dropping a bunch of them and adding something that this committee won't have a chance to study completely through? I think that was an excellent question, and that satisfied the only question I had on that provision. Thank you.

Senator McNAMARA. Thank you, Senator Jordan.

Mr. ENFIELD. Senator Case, that provision is section 203 on page 32 of S. 3953.

Senator CASE. Now, there is one question of possible interpretation that has been brought to my attention and that is with reference to the portion of the bill which deals with eliminating the hazards of railway highway crossings. It appears under section 120 in subparagraph (d).

Senator McNAMARA. On page 21?

Senator CASE. On page 21.

It has been brought to my attention that that language as it appears might be subject to a construction that 10 percent of the cost of the railway-highway crossing elimination might be expected from every railroad which would be involved in a particular crossing elimination. That has never been the practice to require that. The practice, as I understand it, has been to expect that the railroads might contribute 10 percent of the cost of the project, but not 10 percent for every railroad.

Mr. ROTHSCHILD. You mean if two or more railroads were crossing, each railroad would be obliged to put up 10 percent?

Senator CASE. Yes.

Mr. ROTHSCHILD. I am sure that was not the intention.

Senator CASE. I am sure that was not the intent, but the way the language might be read, it might be subject to that interpretation.

Mr. ENFIELD. Senator, that is clearly not the intention.

With respect to the last sentence of subparagraph (d), section 120, the question has been raised as to whether the 10 percent limitation on the benefits conferred upon the railroads would be applied solely to those projects which are 100 percent federally financed or whether it extends to those which are regular 50-50 Federal-aid projects.

Senator CASE. Would you have any objection to an amendment which would strike out the period at the end of the first sentence in subparagraph (d) and then change the "N" to a small "n," and insert:

*Provided, That not more than 10 per centum of all the sums apportioned for all the Federal-aid systems for any fiscal year, in accordance with section 104 of this title, shall be used under the subsection.*

And strike out "or under section 130 of this title." And in section 130, which is on page 28 in paragraph (b), to insert the words "or railroads," and the word "railroad" in the middle of the paragraph.

Mr. ENFIELD. I am sure, Senator, that we would have no objection to that. My personal view is that it isn't necessary, that the effect of the codification is to do just that. I might say that this matter was raised in the House committee and as a result a note was put in the House committee report on H. R. 12776 following section 120. With your permission, I will read it; it may clarify your thinking on this matter.



Senator McNAMARA. Go right ahead, sir.

Mr. ENFIELD. The House report states:

That the 10 percent limitation in the last sentence of section 120 (d) conforms to existing law and relates only to projects for the elimination of hazards of railway-highway crossing where Federal participation may exceed the regular Federal pro rata share. Such limitation is not applicable to Federal-aid projects involving elimination of such hazards where Federal participation is on the regular Federal pro rata share basis.

Of course, the reason for this note is to assure that the reference in section 120 (b) to section 130 does not limit Federal-aid participation to those projects which are 100 percent financed only.

With respect to the matter of adding the words "or railways"—  
Senator CASE. "Or railroads."

Mr. ENFIELD. You have it both singular and plural. Under the present provisions of the United States Code, the singular can mean the plural and the plural can mean the singular. It was for that reason it was eliminated. We thought it would be superfluous to add the word "or railways."

Senator CASE. If there is no objection to it and it would be clarifying and would save any reference to the interpretation or to the report, don't you think it would be a good idea to change it?

Mr. ENFIELD. I think it would.

Senator CASE. I think, Mr. Chairman, that concludes my questions.

I want to say that the idea of codifying the several statutes relating to highways appeared to me to be a most desirable end and when we were considering highway legislation a year or so ago I think I was one of those who suggested that it ought to be done, and when the draft legislation came up I introduced it as S. 3953.

Certainly the observation of Mr. Rothschild's statement that highway officials in the States do not always have quick and ready reference to the several statutes, the amendments, and to key reports which are interpretive of some shadings of meanings of statutes or amendments is a valid point. This will give them a quick, ready reference to the codified law. This is a timely act, I feel, because we have passed so much basic highway legislation in the past few years, notably the Highway Acts of 1954, 1956, and 1958, have all carried major substantive changes in the old highway legislation. They can now all be wrapped up in this bill and I am in favor of passing the bill with these slight clarifications to which I have drawn attention.

Senator McNAMARA. Thank you.

Senator HRUSKA, do you have any comments or questions?

Senator HRUSKA. Yes; I have a question. I don't know which of the witnesses would care to answer it.

Is this a recodification or is it a revision?

Mr. ENFIELD. This is a codification, Senator. It has been necessary, of course, in pulling together 40 separate acts, to make changes in language so as to weave those acts into one. There are no substantive changes with the exception of certain minor technical changes which bring the language of the act in line with the administrative practices and procedures that have been developed and in effect for many years.

Senator HRUSKA. Of course, when you say that, you get into substantive changes, do you not? When you say that the changes have

been made to change the existing statute to make it in conformity so as to make it conform to existing practice and procedures, obviously that could entail and in probably some instances it does entail, some substantive changes. It has to.

Mr. ENFIELD. In a strict technical sense, yes.

Senator HRUSKA. In a practical sense.

Mr. ENFIELD. For example, I may point out that the existing law provided that the State will submit project statements which will be reviewed and approved by the Secretary.

Over the years that terminology has been changed to programs. So on that point the codification bill provides that they will submit programs rather than project statements as in existing law.

The present definition of maintenance merely provides for the maintenance of the surface of the highway. The practical application of that definition covers maintenance of the entire highway, including the shoulders and ditches, as well as the surface.

Senator HRUSKA. When you make it like that, isn't it a substantive change?

Mr. ENFIELD. Technically, it is a substantive, but it is a minor change that is in accord with the way the law has been applied over the years.

Senator HRUSKA. That is the point I seek to make. In some instances that amounts to outright legislation. It must do so. It must do so because the original text of the present status is being amended. I don't want to say that the change isn't a good one, I don't want to say that it hasn't been tested and that it shouldn't be adopted, but how are we made aware by the record that has been made here of what changes are actually made in those situations?

Mr. ENFIELD. The entire codification bill and all of the existing provisions of the law are set forth in the House committee report on H. R. 12776. I am not sure whether the Senator has a copy of this report before him or not.

Senator HRUSKA. Yes, I have one here.

Mr. ENFIELD. There is set forth in the report a section by section comparison of the existing law and the codification bill, and notes show where there have been any changes, which we have pointed out are minor in nature. They are not basically substantive insofar as the general application of the highway laws are concerned, but they are administrative in nature and are explained in each instance in the House committee report.

Senator HRUSKA. Could you give us an example?

Mr. ENFIELD. For example, on page 11 of the House committee report you will notice the reference to the definition of maintenance, that I just commented upon. The note extends across the entire page. Each of the changes are shown by the word "Note" followed by language extending the entire way across the page so that it will stand out in this two-column arrangement of the comparison of existing law with the code bill.

You will observe that on the same page there is a note that the term "parkway" has not been defined specifically in prior acts. The language used in the codification bill has been in the authorization sections of the acts since 1950.



This codification bill does not contain authorizations and appropriations, but some language that appears in those statutes or portions of statutes are included in the codification bill at appropriate places where they have, in fact, been applied and interpreted to affect other provisions of the substantive law.

Senator HRUSKA. Well, I know the witness is not interpreting my question as being critical. I am simply trying to lay a legislative history here and so on, because I am satisfied that somewhere along the line as these things are going to be applied by the courts and also by Mr. Tallamy's department we are going to run into that, and if we are engaged in a process here which amounts to substantive changes we would want to be aware of it and the particulars in each instance.

Let me make inquiry concerning the section having to do with public hearings, for example, under the Highway Act of 1956. The Senator from Nebraska recalls an instance when we had a difference of opinion as to what that section meant and how it was to be interpreted.

Was that in any way changed in this act, do you know?

Mr. ENFIELD. That has not been changed with the exception of adding to the section dealing with public hearings the additional provisions contained in the 1958 act. You will recall the 1958 act also provided for hearings involving highways in rural areas, which the 1956 act did not include.

Senator HRUSKA. Well, in that instance there was apparently an interpretation of the language contained in that section in one way that seemed to this Senator at any rate, to be a rather strained construction.

Now, has anything been done to either negative that or to change it to conform to that construction that was used?

Mr. ENFIELD. I am not sure, Senator. I am not aware of the construction you have reference to.

Senator HRUSKA. Well, perhaps this is not the place to pursue it. It is section 13 in the act of—

Mr. ENFIELD. I am advised that the language in the hearing provision, section 128 on page 26 of the bill, is a verbatim rendition of the 1956 and the 1958 acts.

This can be seen in the comparison section on page 63 of the House committee report which shows the existing legislation opposite the language in the codification bill, Senator.

Senator McNAMARA. That is section (c) dealing with public hearings?

Mr. ENFIELD. Section 128 dealing with public hearings.

Senator McNAMARA. Yes, section (c) opposite that.

Mr. ENFIELD. Section 116 (c) of the 1956 act and section 13 of the 1958 act. Those two have been woven together to produce a new section.

Senator McNAMARA. That apparently answers the question raised by Senator Hruska except as to possible interpretation which there may be disagreement on.

Are you satisfied, Senator Hruska?

Senator HRUSKA. Well, I just bring that up because it is an instance where there was an interpretation of a section of the statute and that interpretation resulted in a certain practice and procedure.

I would be very reluctant to approve any bill or to vote for any bill which would have adopted the onetime interpretation of the Department with reference to that particular section because I think it was totally out of order and not at all calculated to carry out the original purpose of the bill as this Congress intended it to be.

There may be others, but I am glad to get this explanation of the fashion in which this is set out, and I know others who will consider this bill will likewise be enlightened by it.

I want to again say, as I did when the original consideration of the section was had, that I am in sympathy with this thing; I think it is long needed, and it will be of great help all the way around, to us as well as to the various highway departments and everyone connected with this program. But I would like, Mr. Chairman, and I presume we will have an opportunity to study this and consider it in particular in some instances to sort of test-check it as against the things which I have raised here in this line of questions.

Senator McNAMARA. Thank you.

Senator CASE has another question.

Senator CASE. Mr. Chairman, it occurs to me that we should find out whether or not the paragraphs in the bill which pertain to the Territory of Alaska are in proper form for operation of Alaska as a State.

Now, I have reference to the section 119 on page 20 and subparagraph (h) of 120 on page 22.

The 119 provides that the Secretary shall administer the functions which have been conferred upon the Department of the Interior prior to September 16, 1956. And the Secretary is defined in the bill as meaning the Secretary of Commerce.

In subparagraph (h) of 120 there is a provision that the Territory of Alaska shall contribute funds each fiscal year in an amount that shall be not less than 10 percent of the Federal funds portion, and so forth.

What changes or what provisos should be added to those paragraphs, Mr. Secretary, in order to obviate the necessity for a special Alaska Highway Act after Alaska becomes a State? I think we can take it for granted that it will be a State now that the President has signed the bill. The only other step is the referendum step in the Territory itself.

Mr. ROTHSCHILD. It would seem to me, Senator, that when and if Alaska becomes a State it would be subject to the same regulations as any other State and it would lose its exemption as a Territory, and its special treatment as a Territory, unless there were new legislation to cover that situation.

Senator CASE. Well, I should like to have you reread the sections that pertain to Alaska since Alaska is specifically set forth here, and if it occurs to you and to counsel that any clarifying provisos would be useful that you let us have that in the course of the next few days.

Mr. ROTHSCHILD. We will be happy to do that.

Senator HRUSKA. Mr. Chairman, will the Senator yield?

Aren't we a little premature on that? We certainly couldn't consider it with the language in this bill.

Senator CASE. We could have a proviso that provided that in the event Alaska becomes a State this paragraph shall no longer be opera-



tive. Now, that might not be what you need, but I just have it in mind.

Mr. ROTHSCHILD. Perhaps we need one wider than that, Senator Case.

Senator CASE. It might be, but it could be sort of a conditional proviso effective upon whatever date the statehood becomes effective, and you might want to make some exception for funds which have been allocated prior to that date.

Now, this contribution of 10 percent, with that contribution of 10 percent would you still want any funds which had been allocated prior to the date of actual statehood so long as those funds are available for expenditure?

Senator HRUSKA. It might be observed that this is not the only respect in which similar revisions of present statutes will have to be made.

Senator McNAMARA. We will keep the record open for the statement requested by Senator Case, and we hope that it can come in at an early date.

Go ahead.

Senator CASE. What about the apportionment of funds where one-third of the apportionment of ABC funds is based upon area? Is that taken care of in the Alaska statehood bill?

Mr. ROTHSCHILD. I am not sure, sir, but we will check that along with everything else.

Senator CASE. It occurs to me that there should be. I think there is a section in the Alaska statehood bill which directly deals with that, but I wish you would examine that as well as this to see if anything should be done here.

Mr. ENFIELD. I might say, Senator, that there is nothing in the Alaska statehood bill which makes changes necessary in highway legislation, should Alaska become a State. Considerable portions of the legislative history of that bill, appear to indicate quite strongly that the present provisions of law pertaining to highways in Alaska should continue in effect after Alaska does become a State.

Senator CASE. Well, there is a section in the Alaska statehood bill which gives the President the authority to withdraw certain portions of Alaska from the new State and for which it would retain a Territorial status.

Now, I have not thought of it particularly in relation to this matter of apportionments based upon area, but obviously the withdrawal of the territory north of the Yukon and west of some branch there would materially affect the area of the State of Alaska and have a very substantial effect upon that third of the apportionments based upon area. So I think that it should be carefully studied and we should have a definitive answer on this problem.

Mr. ROTHSCHILD. We will try to do that as rapidly as possible, Senator Case.

(The statement referred to is as follows:)

THE UNDER SECRETARY OF COMMERCE FOR TRANSPORTATION,  
Washington, July 17, 1958.

HON. DENNIS CHAVEZ,

Chairman, Committee on Public Works,  
United States Senate, Washington, D. C.

DEAR MR. CHAIRMAN: On July 9, 1958, hearings concerning several legislative proposals were held by a subcommittee of the Senate Committee on Public

Works. Representatives of the Department of Commerce appeared before the subcommittee with respect to S. 3953 and H. R. 12776, which are bills that would restate and codify existing Federal highway legislation. During the discussion of these bills, a question was raised as to the effect of the recently enacted law granting statehood to Alaska (Public Law 85-508, approved July 7, 1958), and the Department was asked to study the matter for the purpose of determining whether the enactment of that legislation would necessitate any revision or modification of S. 3953 and H. R. 12776.

Careful study and analysis has been devoted to the problem, and it has been concluded that the enactment of the Alaska Statehood Act does not necessitate any revision, amendment, or modification of S. 3953 and H. R. 12776.

This conclusion is based upon the nature and effect of the bills concerned. It is to be borne in mind that S. 3953 and H. R. 12776 are designed to restate and codify existing Federal highway legislation. As was stated in the letter of the Secretary of Commerce transmitting the proposed legislation to the Congress, "No substantive changes of law have been made in the proposed legislation with the exception of certain minor changes and additions, principally in areas of administration, which are in line with existing practices and procedures." The provisions of the bills are derived from and are supported by existing Federal highway legislation, including the Federal-Aid Highway Act of 1958.

The Alaska Statehood Act provides that "subject to the provisions of this act, and upon issuance of the proclamation required by section 8 (c) of this act, the State of Alaska is hereby declared to be a State of the United States of America \* \* \*." The proclamation referred to is to be issued by the President following certification of the returns of elections to be held on dates to be fixed by the Governor of Alaska. As of this time, the elections have not been held, and no dates for the same have been fixed. Until the elections have been held, and the proclamation of the President issued, Alaska will not be a State, and existing laws (insofar as this problem is concerned) remain unchanged.

It is to be further noted that, while the Alaska Statehood Act expressly repeals or amends certain provisions of existing law (effective upon the admission of Alaska into the Union), it does not contain any express repeal or amendment of any existing Federal highway legislation. Consequently, any repeal or amendment of Federal highway legislation effected by the Alaska Statehood Act would be by implication, through operation of section 30 of the act, which provides that "All acts or parts of acts in conflict with the provisions of this act \* \* \* are hereby repealed." The effect of that section upon Federal highway legislation will be the same, irrespective of whether the law existing at the time Alaska is admitted to the Union is set forth in the statutes which are effective at this time, or whether such statutes have been restated and codified, by enactment of S. 3953 or H. R. 12776.

Upon the basis of the above, it is concluded that the enactment of the Alaska Statehood Act does not necessitate any revision, modification, or amendment of S. 3953 or H. R. 12776.

It may be pointed out that in section 101 (a) of both S. 3953 and H. R. 12776 the term "the forty-eight States" appears and that in sections 103 (f), 116 (d), and 120 (h) of both bills reference is made to the "Territory of Alaska." As a purely technical change, in anticipation of Alaska becoming a State, the words "forty-eight" and "the Territory of" could be stricken. It is our opinion, however, that these words have no effect upon the interpretation of the law, and that their deletion is not necessary. In this connection, your attention is respectfully drawn to the fact that after Alaska is admitted to the Union no "Territory of Alaska" will exist, since section 2 of the Alaska Statehood Act provides that "The State of Alaska shall consist of all the territory \* \* \* now included in the Territory of Alaska." This provision is not affected by the provisions of section 10 of the act, which authorizes the President to establish one or more special national defense withdrawals within the exterior boundaries of Alaska.

A detailed analysis of the Alaska Statehood Act and the legislative history thereof has led us to the conclusion that admission of Alaska to the Union will not change any of the existing Federal highway legislation pertaining to Alaska which is set forth in S. 3953 and H. R. 12776. For example, it is our opinion that the provisions of section 107 of the Federal-Aid Highway Act of 1956, which pertain to the apportionment and expenditure of Federal-aid highway funds for highways on the Federal-aid systems in Alaska, and to the functions, duties,



and authority of the Department of Commerce with respect to roads, etc., in Alaska, will remain in full force and effect. By virtue of becoming a State, however, Alaska may become entitled to some benefits to which it is not now entitled. For example, funds authorized for the survey, construction and maintenance of main roads through unappropriated or unreserved public lands, non-taxable Indian lands, or other Federal reservations, are not now available for expenditure in Alaska, but will be available upon admission of Alaska to the Union.

After Alaska becomes a State, the Congress may desire to give consideration to modifying or revising Federal highway legislation pertaining to Alaska. Such modifications or revisions, however, would be substantive legislation affecting existing laws. S. 3953 and H. R. 12776, as noted above, are designed to merely restate and codify existing Federal highway legislation. It is respectfully recommended, therefore, that any such modifications or revisions be made the subject of separate bills, and that no amendments of S. 3953 or H. R. 12776 be made at this time, unless the committee desires to make the purely technical changes referred to above.

Sincerely yours,

BRADLEY NASH, *Acting*.

Senator McNAMARA. Thank you.

Mr. Tallamy, do you have any comment at this point?

#### STATEMENT OF HON. BERTRAM D. TALLAMY, FEDERAL HIGHWAY ADMINISTRATOR

Mr. TALLAMY. Mr. Chairman, I have a prepared statement which covers much of the factual matter that has been discussed and if the committee would have no objection I would just as soon file this statement and make just one observation.

Senator McNAMARA. We will be glad to file your statement as you present it at this point in the record, and you may proceed in your own manner.

(The complete prepared statement of Mr. Tallamy follows:)

#### STATEMENT OF HON. BERTRAM D. TALLAMY, FEDERAL HIGHWAY ADMINISTRATOR

Mr. Chairman and gentlemen of the committee, I strongly support the enactment of H. R. 12776, which would restate the Federal highway laws of the United States in a single act.

This restatement of the laws will include in title 23 of the United States Code all of the permanent provisions of the Federal highway laws which have been enacted from the date of the first Federal-Aid Road Act in 1916. The bill does not include any provisions deemed to be of a temporary nature.

The officials who are charged with the responsibility of administering the Federal-aid highway program are keenly aware of the necessity of administering the program in a manner that is not only efficient and economical but is also in strict compliance with the Federal laws which govern our activities. In this connection, we consider the proposed legislation to be of the utmost importance.

The first Federal-Aid Road Act was approved on July 11, 1916. Since that time, the Congress has enacted 40 separate laws on the subject, exclusive of the many appropriation acts. Each of these several enactments supplemented, modified, amended, or repealed prior enactments. Many provisions have become obsolete, or have been amended or repealed by implication without express amendatory language because of the enactment of later provisions covering the same subject. It is necessary, therefore, to review and analyze with extreme care the many enactments relating to Federal-aid highways whenever a question arises as to any legal authority, responsibility, or limitation under Federal legislation for highways. Many examples could be recited to illustrate the difficulties which are involved. As an illustration, the definition of the term "highway" has been amended many times since 1916, but on no occasion, except in the 1921 act, have the amendments repeated the entire definition.

To ascertain accurately the existing law on a particular point often requires painstaking and time-consuming research by attorneys. For the layman who must refer to these statutes, the situation often seems overwhelmingly complex. The Federal highway laws, directly or indirectly, affect many State and local agencies, and in many instances these agencies do not have convenient access to all of the congressional enactments relating to highways. The result is undesirable expense and delay, and, in some cases, uncertainty as to the complete requirements of the law.

Congress recognized the desirability of a codification or restatement of the many Federal highway laws several years ago. The awareness of the need of such a codification or restatement was expressed under section 12 of the Federal-Aid Highway Act of 1954, which required the Secretary of Commerce to submit to the Congress a suggested draft of a bill for a revision of the Federal highway laws. Pursuant to this provision, a draft bill was submitted to the Congress and legislation based on this draft was introduced in the 84th Congress, but was not enacted. The subsequent passage of the Federal-Aid Highway Acts of 1956 and 1958 has further emphasized the need for clear, unified, and up-to-date Federal highway laws.

The pending bill contains all of the permanent existing Federal highway laws, including the Federal-Aid Highway Act of 1958. The bill contains none of the provisions of law considered to be temporary and no changes affecting authorizations, apportionments, or similar matters, nor does it contain any provisions which can be considered as a change of real substance in the law.

The first step taken toward preparation of a restatement and codification of existing Federal highway legislation was a careful and detailed analysis of all congressional enactments on the subject in order to determine which enactments were in effect and which were obsolete or unnecessary. The next step was to arrange the many provisions of law in an orderly, logical sequence so that the provisions concerning a particular problem might be easily and quickly located. The third step was the actual preparation of a draft bill with every effort being made to use clear and unambiguous language and uniform terminology. In bringing the provisions of existing law together in a more logical arrangement, it was found necessary, in many instances, to make changes from the exact language used in prior enactments. These changes were not intended, however, to change the meaning of existing laws. No substantive changes of law have been made in the proposed legislation, with the exception of certain minor changes and additions, principally in areas of administration, which are in line with existing practices and procedures.

The bill contains all of the existing Federal highway laws in clear and concise language, and in orderly and logical arrangements.

It is recommended, however, that section 315 of proposed title 23, relating to the detail of employees as students, which appears on page 45 of H. R. 12776, be deleted, and the remaining sections of the title be renumbered. This recommendation is made because of the approval on July 7 of Public Law 85-507. This act authorizes the training of Federal employees at public or private facilities, and section 21 (b) (6) of the act specifically repeals section 16 of the Defense Highway Act of 1941 which is the source of section 315 of proposed title 23. The deletion of section 315 would be in line with the intent of Congress in enacting Public Law 85-507.

I feel confident that enactment of this proposed legislation would result in simplifying and facilitating the application of Federal highway laws. It is my very strong recommendation that the Congress give favorable consideration to its enactment.

Mr. TALLAMY. The observation I would like to make in addition to what has been brought out at the hearing concerns section 315 of the bill. In our opinion, this section should be deleted from the bill because it applies to the authority of the Secretary of Commerce and the Bureau of Public Roads to authorize employees to attend technical schools when that attendance would assist the employee in the advancement of our work.

On July 7 of this year the President signed a bill of government-wide effect on this subject and naturally it does apply to our department. The legislation approved on July 7 repealed the spe-



cific section in our highway legislation on which section 315 is based. Therefore, we suggest that it be deleted in the consideration of your committee.

Senator McNAMARA. Thank you. We will give that suggestion every consideration, you can be sure.

There will be included in the record at this point a letter from Mr. K. B. Rykken, director of the highway and legislative department of the American Automobile Association.

(The letter is as follows:)

AMERICAN AUTOMOBILE ASSOCIATION,  
Washington, D. C., July 7, 1958.

HON. ALBERT GORE,

*Chairman, Subcommittee on Public Roads,  
Committee on Public Works, United States Senate,  
Washington, D. C.*

MY DEAR SENATOR GORE: There is currently pending before the Subcommittee on Public Roads legislation embodying a codification of Federal highway laws. As an organization vitally concerned with the progress of the national highway program, the American Automobile Association invites attention to this legislation as being a matter which deserves early and favorable action by the Congress.

In the judgment of the American Automobile Association, the enactment of this codification would be of immediate and definite value to all concerned with carrying on highway construction at the various levels of government. Federal, State, municipal, and rural officials are now involved in activities which, in varying degrees, involve Federal statutes relating to highways. Business activity in important segments of the national economy is increasingly affected by Federal highway legislation. Widespread public participation in many phases of the highway program is resulting in unprecedented interest in this legislation. Today, perhaps more than at any time in our history, the Nation as a whole is being called upon to actively support or take part in this program of highway modernization.

As this work goes forward, we as a Nation can ill afford to let our basic highway legislation remain in an obsolete form. The pending codification bill seeks to organize the existing Federal highway laws in a single integrated statute, eliminating obsolete references and harmonizing inconsistencies that have arisen through more than 40 years of successive enactments and interpretations. The value of such a service is obvious.

The pending codification bill does not make any substantive changes in Federal highway laws, is noncontroversial in character, and is supported by State highway officials and private organizations interested in the welfare of the national highway program.

The American Automobile Association therefore reaffirms its position as expressed before the Senate Subcommittee on Public Roads on February 25 of this year and urges that Congress enact this legislation to codify the Federal highway laws during the current session.

Sincerely yours,

K. B. RYKKEN,  
*Director, Highway and Legislative Department.*

Senator McNAMARA. If there are no further statements on this legislation we will consider the hearings on H. R. 12776 concluded at this point.

Thank you, gentlemen.

Since it is a quarter of 12 shall we adjourn until 2 o'clock, because the Senate is in session and there have been a couple of requests for quorum calls.

Without objection we will take up the four remaining bills this afternoon. They are S. 3712, S. 2793, S. 3405, and S. 3107.

We will reconvene at 2 o'clock. The committee is adjourned.

(Thereupon, at 11:45 a. m., the subcommittee was recessed, to reconvene at 2 p. m., this same date.)

## AFTERNOON SESSION

Senator McNAMARA. The committee will come to order.  
We will first consider testimony on S. 3712.  
(S. 3712 follows:)

[S. 3712, 85th Cong., 2d sess.]

A BILL To authorize appropriations for continuing the construction of the Rama Road in Nicaragua

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated to the Department of State, in addition to the sums heretofore authorized, the sum of \$4,000,000, to be available until expended, for discharging the United States obligation under the applicable agreement with the Government of Nicaragua: Provided, That the survey and construction work shall be under the general supervision of the Secretary of Commerce: Provided further, That funds appropriated pursuant to this authorization shall not be available for expenditure except under the conditions set forth in section 5 of the Federal-Aid Highway Act of 1952, 66 Stat. 160, with respect to the authorization contained in that section.*

Senator McNAMARA. The first witness, Mr. William Weiland, Director of Middle American Affairs, Department of State.

Will you be seated and proceed in your own manner, sir. Do you have a prepared statement?

**STATEMENT OF WILLIAM WEILAND, DIRECTOR, OFFICE OF MIDDLE AMERICAN AFFAIRS, BUREAU OF INTER-AMERICAN AFFAIRS, DEPARTMENT OF STATE**

Mr. WEILAND. Mr. Chairman, I am William A. Weiland; I am Director of the Office of Middle American Affairs in the State Department, and I would like to read this very brief prepared statement.

There are 2 principal reasons for the need at this time for the additional authorization of \$4 million to continue to completion the construction of the Rama Road in Nicaragua.

First, at the time the original estimate of the cost of completion was made in 1948, no detailed survey had been made and sufficient data were not at hand to make a complete detailed estimate with the result that the cost was underestimated.

Second, there has been a substantial rise in construction costs between 1948 and 1957.

The United States by diplomatic note dated April 8, 1942, agreed to construct at its own expense a highway between San Benito, north of Managua, and Rama which is on the Escondido River in eastern Nicaragua. The present status of the Rama Road represents a partially fulfilled obligation of the United States of America to the Republic of Nicaragua.

The Rama Road is designed to unite two sections which heretofore have been completely separated except by air transport or small-boat traffic. The Rama Road will provide this needed communication and will open up this entire area of Nicaragua. This section is the future cattle, coffee and mining country, and expansion in these fields has already taken place as a result of the partial completion of the Rama Road.

This road will also provide a Caribbean port for Managua, the capital. By dredging the sandbar in the mouth of the Escondido



River, it will be possible for oceangoing vessels to come up to Rama. The freight can thereby be loaded on trucks for transport by road to Managua. This would be an important economic benefit to Nicaragua, as it operates a national shipping line, and a Caribbean port would enable better utilization of the available ships than by the present method of transiting the Canal Zone.

The effect of the road is portrayed in increased bus and truck traffic between Villa Somoza, Santo Tomas, Juigalpa, and Managua. This has increased Nicaragua's imports of United States buses and trucks, parts, as well as petroleum and allied products.

Feeder roads are being constructed by the Government of Nicaragua to furnish outlets from the developing rural areas to the Rama Road, and from there to Managua and other centers of population. While the United States is obligated to bear the entire cost of the construction of the Rama Road, the Government of Nicaragua has, nonetheless, contributed, during the period from July 1, 1940, through December 1957, \$4,128,000.

Of the total length of the Rama Road of 158 miles from San Benito to Rama, 123 miles of all-weather road have already been constructed and 12 miles are under contract. The balance to be completed is 23 miles, together with the necessary bridges.

Should the United States fail to abide by its commitment to Nicaragua, its reputation for integrity among the people of Latin America in general, and of Central America in particular, would be seriously jeopardized. Sudden withdrawal of financial support for the Rama Road would, above all, cause deep resentment in Nicaragua, which would only serve to undermine the friendly cooperative attitude of that country toward the United States.

Furthermore, and apart from the most important question of integrity and policy, there exists a very real financial consideration; namely, that to date \$11½ million have been appropriated for the construction of the Rama Road. Over two-thirds of the road has now been provided for, and to abandon the project at this time would result in considerable reduction in the value of the road already built. When the part now under construction is completed, the road will end in an unpopulated and undeveloped area, so that full utilization of the eastern part of the road already built must wait until the road reaches Rama, the only center of population in the area.

Senator McNAMARA. Thank you, sir.

Page 1, you make reference, as you do in other portions of the statement, to obligations of the United States. How do you spell these obligations out?

Mr. WEILAND. Well, sir, in 1942 we agreed with the Nicaraguans that we would build this road, and we subsequently signed and delivered notes to that effect, and the Congress has since given us its support in that.

Senator McNAMARA. Was there any definite period mentioned in this agreement?

Mr. WEILAND. No, sir; no definite period.

Senator McNAMARA. Then this is a continuing program, and what you refer to as obligation here, you mean the obligation to continue?

Mr. WEILAND. Yes, sir; just to completion.

Senator McNAMARA. Now, you indicate on page 2 the effects of the road as portrayed in increased bus and truck traffic. Do you have

any estimates of the amount of increase involved, or has anybody taken a traffic count on it, or is it just something that is observed?

Mr. WEILAND. There has been an increase, sir, in the number of buses and trucks and chassis, and so forth, that the Nicaraguans have imported and are using on the road; yes. I do not have figures on hand; if you want them, I can certainly get them.

Senator McNAMARA. It might be helpful to the committee in considering your testimony, if you would support it by some fairly substantial estimate.

Mr. WEILAND. I will be glad to do that.

(The information requested is as follows:)

DEPARTMENT OF STATE,  
Washington, July 30, 1958.

HON. DENNIS CHAVEZ,  
*Chairman, Committee on Public Works,  
United States Senate.*

DEAR SENATOR CHAVEZ: The Department of State together with the Bureau of Public Roads was afforded an opportunity to have representatives appear before Senator McNamara's subcommittee in support of legislation authorizing the appropriation of an additional \$4 million to continue the construction of the Rama Road in Nicaragua. The Department pointed out in its report that "The effect of the Rama Road is portrayed in increased bus and truck traffic between Villa Somoza, Santo Tomas, Juigalpa and Managua. This has increased Nicaragua's imports of United States buses and trucks, parts, as well as petroleum and allied products." Senator McNamara asked the Department's witness for additional information concerning the volume of vehicular traffic in Nicaragua.

The trucks most largely utilized in Nicaragua for the movement of produce are 5-ton trucks. However, there are some 6- and 7-ton trucks and even some 10-ton trucks which are used for heavy freight such as lumber and livestock. International commercial traffic with the neighboring countries has increased considerably since 1950. In 1950 the portion of Nicaragua's foreign trade which moved by truck was valued at one-half million dollars. In 1956 this had increased to a million dollars.

The importations of passenger vehicles, trucks and buses into Nicaragua have increased noticeably over the last 10 years. In 1947 there were 467 passenger cars imported into Nicaragua with a value of \$968,161. In 1955, 851 cars were imported, with a value of \$1,529,898. In 1956, 565 cars were imported with a value of \$1,148,597. In 1952 there were 335 buses and trucks imported, with a value of \$872,529. In 1955, 651 buses and trucks were imported with a value of \$1,667,913 and in 1956 there were 543 valued at \$1,899,260. All of the above figures represent imports from the United States.

It has been estimated that the annual cost for maintaining a motor vehicle in Nicaragua is \$620. Of this amount one-third is for labor and the remaining two-thirds is for supplies and parts including gasoline and oil. The greater part of the supplies and parts comes from the United States, so that at present imports costing approximately \$400 are brought into Nicaragua for each vehicle.

One of the principal feeder roads which forms a portion of the Nicaraguan highway network is the Rama Road. On the Villa Somoza, Santo Tomas, Juigalpa and Managua sector of this road the estimated daily traffic is 200 vehicles a day. This is considered to be very good, as the road is still under construction and all bridges have not been completed.

It is hoped that this explanation of the statement of the increased use of this highway will assist Senator McNamara. The Department will be pleased to furnish any additional information which members of your Committee may require.

Sincerely yours,

WILLIAM B. MACOMBER, JR.,  
*Assistant Secretary.*

Senator McNAMARA. Thank you; we will be very glad to have that for the record. Thank you very much.

Is Mr. Tallamy here?



Mr. TALLAMY. Yes, sir.

Senator McNAMARA. Mr. Tallamy, you have a statement, too, I see.

Mr. TALLAMY. It is not a prepared statement, Mr. Chairman.

Senator McNAMARA. You go right ahead with such testimony as you think appropriate at this time.

Mr. TALLAMY. Thank you, Mr. Chairman.

The Bureau of Public Roads and the Department thought you might be interested in the present status of the road and the work that is necessary to complete its extension to Rama.

The previous statement indicated that some \$12 million had been appropriated, authorized, rather, for this project, \$11½ million having actually been appropriated. With this amount of money, we have been able to undertake the construction for 123 miles. It has been built to inter-American standards and to all-weather road design. Actually, Nicaragua itself has surfaced about 28 miles of the road at their own expense on the westerly side.

We have about 35 miles yet to complete; 16 miles of this is under construction now, with the exception of the bridges; 15 more bridges remain to be undertaken. We have completed the designs for the road, and are now working on the designs for the structures, and we believe that, based upon current prices, the \$4 million requested by the State Department will be sufficient to complete the road to Rama to all-weather surfaces.

I emphasize that the estimate is based upon current prices, but they are also based upon plans that are nearly completed insofar as the road is concerned. These plans are also well along regarding the structures themselves. So, it ought to be a good, firm figure so far as the quantity of work is concerned.

Senator McNAMARA. Then you agree with the proposed bill, which is just for that purpose and nothing else?

Mr. TALLAMY. That is right, Mr. Chairman.

Senator McNAMARA. Thank you very much, sir. We are glad to have your testimony on this.

Mr. TALLAMY. Thank you.

(Comments of the Federal agencies on S. 3712 are as follows:)

DEPARTMENT OF STATE,  
April 3, 1958.

The VICE PRESIDENT,  
*United States Senate.*

DEAR MR. VICE PRESIDENT: There is transmitted herewith a draft of proposed legislation authorizing the appropriation of an additional \$4 million to continue construction of the Rama Road in Nicaragua.

There are two principal reasons for the need for an additional authorization at this time. First, at the time the original estimate of the cost of completion was made in 1948, no detailed survey had been made and sufficient data was not at hand to make a complete detailed estimate with the result that the cost was underestimated. Second, there has been a substantial rise in construction costs between 1948 and 1957.

The United States by diplomatic note dated April 8, 1942, agreed, at its own expense, to (a) construct a highway between San Benito and Rama and (b) survey and recommend a route from Rama to El Bluff. However, a subsequent agreement between the two parties has released the United States from its obligation concerning the Rama-El Bluff route. The present status of the Rama Road represents a partially fulfilled obligation of the United States of America to the Republic of Nicaragua.

The Rama Road is designed to unite two sections of the country that have heretofore been completely separated except by air transport. This road runs from San Benito, which is located just north of the capital city, Managua, on the Inter-American Highway, across Nicaragua to Rama on the Escondido River. Traffic could then be moved by river to the Caribbean Sea. This area of Nicaragua has a promising agricultural future and is susceptible to rapid development as soon as adequate transportation is available.

Should the United States fail to abide by its commitment to Nicaragua, its reputation for integrity among the peoples of Latin America in general and of Central America in particular, would be seriously jeopardized. Sudden withdrawal of financial support for the Rama Road would above all cause deep disappointment in Nicaragua which would only serve to undermine the friendly, cooperative attitude of that country toward the United States.

Furthermore, and apart from the most important question of integrity and policy, there exists a very real financial consideration; namely, that to date \$11.5 million have been appropriated for the construction of the Rama Road. Over two-thirds of the road has now been provided for and to abandon the project at this time would result in considerable reduction in the value of the road already built. When the part now under construction is completed the road will end in an unpopulated and undeveloped area so that full utilization of the eastern part of the road already built must wait until the road reaches Rama, the only center of population in the area.

I, therefore, recommend, Mr. Vice President, early introduction of this legislation.

The Department has been informed by the Bureau of the Budget that there is no objection to the submission of this proposal to the Congress for its consideration.

Sincerely yours,

JOHN FOSTER DULLES.

THE SECRETARY OF COMMERCE,  
Washington, D. C., July 17, 1958.

HON. DENNIS CHAVEZ,  
*Chairman, Committee on Public Works,  
United States Senate, Washington, D. C.*

DEAR MR. CHAIRMAN: This is in reply to your request for the views of this Department on S. 3712, a bill to authorize appropriations for continuing the construction of the Rama Road in Nicaragua.

The bill would authorize the appropriation of the sum of \$4 million to the Department of State, to be available until expended, for discharging the obligation of the United States under an agreement with the Government of Nicaragua, for the construction of a road from San Benito to Rama in said Republic. The survey and construction work would be under the general supervision of the Secretary of Commerce. The funds authorized to be appropriated under the proposed legislation would be available for expenditure under the conditions set forth in section 5 of the Federal-Aid Highway Act of 1952 (66 Stat. 160).

The Rama Road, which has been under construction for a number of years, is now partially completed. It is estimated that the amount required to complete this road as an all-weather road at today's prevailing prices is \$4 million, the amount which would be authorized to be appropriated by the pending bill.

This Department defers to the views of the Department of State with respect to this bill, which has primary responsibility for the road.

We have been advised by the Bureau of the Budget that it would interpose no objection to the submission of this letter.

Sincerely yours,

SINCLAIR WEEKS, *Secretary of Commerce.*

EXECUTIVE OFFICE OF THE PRESIDENT,  
BUREAU OF THE BUDGET,  
Washington, D. C., May 8, 1958.

HON. DENNIS CHAVEZ,  
*Chairman, Committee on Public Works,  
United States Senate, Washington, D. C.*

MY DEAR MR. CHAIRMAN: This is in reply to your letter of April 28, 1958, regarding the views of this office with respect to S. 3712, a bill to authorize



appropriations for continuing the construction of the Rama Road in Nicaragua. This bill is an introduced version of a proposal sponsored by the Department of State and for the reasons given in the Department's letter accompanying the proposal, the Bureau of the Budget would favor its enactment.

Sincerely yours,

PHILLIP S. HUGHES,  
*Acting Assistant Director for Legislative Reference.*

Senator McNAMARA. The next bill we will have testimony on is S. 2793.

(S. 2793 follows:)

[S. 2793, 85th Cong., 1st sess.]

A BILL To provide for the conveyance of a pumping station and related facilities of the Intracoastal Waterway System at Algiers, Louisiana, to the Jefferson-Plaquemines Drainage District, Louisiana.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Army is authorized to convey to the Jefferson-Plaquemines Drainage District, Louisiana, all the right, title, and interest of the United States in and to the tract of land in Jefferson and Plaquemines Parishes, Louisiana, together with buildings and improvements thereon, being that parcel of land in the vicinity of Algiers, Louisiana, known as the Plaquemines Parish pumping station and appurtenant drainage canals and facilities subject, however, to the conditions and restrictions set forth in section 2 of this Act.

SEC. 2. The conveyance authorized by this Act shall be made without monetary consideration therefor but upon condition that the Jefferson-Plaquemines Drainage District shall assume responsibility for the operation and maintenance of the facilities conveyed, in further consideration of which the Secretary of the Army is authorized to pay to the said drainage district, from funds heretofore or hereafter appropriated, a sum not in excess of \$1,420,000, for the operation and maintenance of the facility by the said drainage district in perpetuity. The deed of conveyance shall contain such other terms, conditions, reservations, and restrictions as the Secretary of the Army may determine to be in the public interest or necessary for the management and operation of the Intracoastal Waterway System.

Senator McNAMARA. Senators Ellender and Long have both filed statements. They will be made part of the record at this point.

(The statements follow:)

STATEMENT BY SENATOR ALLEN J. ELLENDER TO PUBLIC WORKS COMMITTEE  
ON S. 2793

Mr. Chairman and members of the committee, I would like to urge favorable consideration of S. 2793, a bill to provide for the conveyance of a pumping station and related facilities on the Intracoastal Waterway system at Algiers, La., to the Jefferson-Plaquemines Drainage District of Louisiana.

Very briefly, the history of the project is this:

The Chief of Engineers, under the direction of the Secretary of the Army, is nearing completion of an alternate connection between the Gulf Intracoastal Waterway and the Mississippi River in the vicinity of Algiers, La.

In the course of this construction, the project intercepted existing drainage facilities maintained by the Jefferson-Plaquemines Drainage District. To correct this situation, the United States constructed the Plaquemines pumping station, together with necessary interceptor canals.

This is the pumping station which this bill provides will be turned over to the Jefferson-Plaquemines Drainage District.

S. 2793 contains requisite authority to transfer these facilities to the local agency and relieve the United States of the operation and maintenance of the pumping station and appurtenant interceptor canals.

The Department of the Army has announced that it favors enactment of this legislation.

Senator Long and I offered this bill to allow the United States Government to turn over to the people of the Jefferson and Plaquemines Parishes area this needed facility which merely replaced one which the Federal Government was

forced to alter because of the construction of the alternate route to the Intracoastal Waterway.

I urge your favorable consideration on this matter.

**STATEMENT OF SENATOR RUSSELL B. LONG, OF LOUISIANA, IN BEHALF OF S. 2793,  
TO PROVIDE FOR THE CONVEYANCE OF A PUMPING STATION TO THE JEFFERSON  
PARISH DRAINAGE DISTRICT**

For many years, waterborne traffic coming into the port of New Orleans by means of the Gulf Intracoastal Waterway was confronted with the constant danger of a breakdown at Harvey lock. Such a breakdown would have resulted in the shutting off of this flow of traffic or making it necessary for the traffic to make a very long and difficult detour through a small lock many miles away. This problem was solved by the construction of the Algiers lock and the Algiers Canal which connected the Mississippi River to the inland waterway.

In the process of digging this canal, it was necessary for the Corps of Engineers to intercept drainage and, in order to provide for this change, it was necessary for them to construct two pumping plants. One of these plants was located in Orleans Parish and the other in Plaquemines Parish. In my opinion, the operation and maintenance of these pumping stations is properly an activity of the drainage district and it is more economical for the United States Government to turn over this jurisdiction rather than to handle it in any other way. This is particularly true because of the great expansion of the area served by this pumping station and the promise of this continued development in the State.

An operating agreement has been reached with the Sewerage and Water Board of New Orleans to operate the Orleans Parish plant on a reimbursable basis. This bill is intended to dispose of the operation and maintenance of the Plaquemines plant. The matter has been gone into thoroughly by the Corps of Engineers and by the officials of the drainage district and it is the consensus of opinion that the matter can best be handled by the Federal Government making a lump-sum payment to the drainage district and by the drainage district thereafter assuming the responsibility of the plant.

Since it is understood that the necessary funds to effect this lump sum payment are included in the appropriation bill that is now before the Senate, it would appear that this would be the proper time to enact the enabling legislation to effect this conveyance and I heartily recommend your favorable consideration of the bill at this time.

Senator McNAMARA. Is somebody here from the Corps of Engineers? General Persons?

General PERSONS. Mr. Pearl will give testimony on this.

**STATEMENT OF MILTON A. PEARL, OFFICE OF THE CHIEF OF  
ENGINEERS**

Mr. PEARL. I don't have a statement, Mr. Chairman, but I will be glad to outline for you the purpose of S. 2793.

Senator McNAMARA. Will you repeat your name for the record, please?

Mr. PEARL. Milton A. Pearl, Office of the Chief of Engineers.

The purpose of S. 2493 is to authorize the Secretary of the Army to convey the federally constructed pumping station and related facilities at Algiers, La., to the local drainage districts. The pumping station and interceptor canals in question were built in accordance with the plans of the division engineer as outlined in Senate Document 188 of the 78th Congress. As stated there the Federal project was going to interfere with and intercept parish drainage facilities because of our readjustment of the Mississippi River for the Intracoastal Waterway system in the vicinity of Algiers. It was therefore proposed that we would construct, and then continue to operate and maintain, a pumping station for the benefit of the local



people. However, as indicated in the departmental reports, Mr. Chairman, the Federal Government is not in the business of operating drainage facilities while the drainage district is. We have therefore contracted with them for the drainage district to operate this facility at this time on a basis of \$60,000 a year.

In addition to that, we have estimated that after the first couple of years, when there will be no extreme repairs necessary, it would cost \$65,000 a year to operate and maintain the facilities.

Instead of continuing to own the facilities ourselves and contract with the local people for this recurring charge we have entered into an agreement with them whereby they would purchase the facilities, if authorized by Congress, and they would do this for the amount of \$1,413,133, which is within the maximum limitation of S. 2793. This figure was arrived at on the basis of (1) depreciation and amortization of the facilities over a 50-year period, (2) the replacement of those facilities one time at the end of that 50-year period, and (3) in addition, the current value of the \$65,000 per annum charge over a period of the next 50 years. Taking all those items together we come up with the \$1,413,133 as being a fair amount of money to give to the drainage district now to permit them to assume ownership, continue to operate the facilities, and relieve us of this burden.

Senator McNAMARA. Thank you.

Senator Hruska, do you have any questions? I am sure that you got in just as the statement was ending. Do you have any comment on this project? I see it has the approval of the Secretary of the Army and there is no objection on the part of the Bureau of the Budget. And we have letters expressing that from both agencies and they will be made a part of the record at this point, without objection. (The letters follow:)

EXECUTIVE OFFICE OF THE PRESIDENT,  
BUREAU OF THE BUDGET,  
Washington, D. C., February 5, 1958.

HON. DENNIS CHAVEZ,  
*Chairman, Committee on Public Works,*  
*United States Senate,*  
*Senate Office Building, Washington, D. C.*

MY DEAR MR. CHAIRMAN: This will acknowledge your letter of August 16, 1957, requesting the views of the Bureau of the Budget on S. 2793, a bill "To provide for the conveyance of a pumping station and related facilities of the Intracoastal Waterway System at Algiers, La., to the Jefferson-Plaquemines Drainage District, Louisiana."

The purpose of the bill is clearly stated in its title.

The Bureau of the Budget would have no objection to enactment of S. 2793.

Sincerely yours,

ROBERT E. MERRIAM,  
*Assistant Director.*

DEPARTMENT OF THE ARMY,  
February 10, 1958.

HON. DENNIS CHAVEZ,  
*Chairman, Committee on Public Works,*  
*United States Senate.*

DEAR MR. CHAIRMAN: Reference is made to your request for the views of the Department of the Army with respect to S. 2793, 85th Congress, a bill to provide for the conveyance of a pumping station and related facilities of the Intracoastal Waterway System at Algiers, La., to the Jefferson-Plaquemines Drainage District, Louisiana.

The Department of the Army favors enactment of the above-mentioned bill, the purpose of which is stated in its title.

The Chief of Engineers, under the direction of the Secretary of the Army, is nearing the completion of the construction of an alternate connection of the Gulf Intracoastal Waterway with the Mississippi River in the vicinity of Algiers near New Orleans, La., as authorized by the act of March 2, 1945 (59 Stat. 10, 18). This connection, designated the Algiers Lock and Canal project in Orleans and Plaquemines Parishes, La., intercepts drainage facilities maintained by the Jefferson-Plaquemines Drainage District in Plaquemines Parish. To correct the situation, and provide for the intercepted drainage, the United States constructed the Plaquemines pumping station, together with necessary interceptor canals, at a cost of \$1,161,626. In accordance with the authorizing legislation the local interests are paying for lands required for the project. As a site for the pumping station, 2.41 acres have been acquired in fee with easements acquired or being acquired, at no cost to the United States, in 267.04 adjacent acres for maintenance of incidental facilities.

The Jefferson-Plaquemines Drainage District has, by contract, undertaken responsibility for operation and maintenance of the Plaquemines pumping station and the interceptor canals on behalf of the United States. In consideration of the assumption of these obligations by the drainage district, the United States, acting through the Corps of Engineers, has agreed to pay the drainage district \$60,000 per annum. The contract also provides for necessary modifications of the pumping station by construction of a trash screen and of heat exchangers for the cooling and water systems of the diesel engines at a cost of \$100,000.

In anticipation of statutory authority to convey the pumping station and allied facilities to the drainage district, as contemplated by S. 2793, the contract between the United States and the drainage district provides that upon conveyance a lump-sum payment of \$1,413,133 is to be made to the district. Consideration for the payment of this sum, which is within the maximum of \$1,420,000 that would be authorized under the instant bill, would be the release of the United States from its obligation to operate and maintain the facilities. The amount was arrived at based upon the depreciation and amortization in 50 years of the cost of construction of the pumping station plus a lump-sum payment based on a capitalization over a 50-year period of the \$65,000 annual operating and maintenance costs.

S. 2793 contains requisite authority to transfer the facilities to the local agency and relieve the United States of the operation and maintenance of the pumping station and appurtenant interceptor canals. In view of the benefits to be derived from having the Jefferson-Plaquemines Drainage District operate all of the drainage facilities in the area, coupled with the release of the United States from its obligation, the Department of the Army favors enactment of this legislation.

Enactment of this bill will involve the expenditure of Department of the Army funds in the amount of \$1,413,133 which has not been included in the budget estimates previously submitted.

The Bureau of the Budget advised, with respect to a similar report on H. R. 9173 and H. R. 9230, 85th Congress, companion bills, that there was no objection to the submission of that report to the Congress.

Sincerely yours,

WILBER M. BRUCKER,  
*Secretary of the Army.*

Senator HRUSKA. I have no questions at this time, Mr. Chairman. Thank you very much.

Senator MCNAMARA. Thank you very much for your helpful testimony, sir.

Mr. PEARL. Thank you.

Senator MCNAMARA. The next bill we are to consider is S. 3405. (S. 3405 is as follows:)

[S. 3405, 85th Cong., 2d sess.]

A BILL To authorize the appropriation of funds to finance the 1961 meeting of the Permanent International Association of Navigation Congresses

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there is hereby authorized to be appropriated not to exceed \$180,000 for the necessary expenses of the meeting of the



Permanent International Association of Navigation Congresses to be held in the United States in 1961. These expenses shall include, but shall not be limited to, the cost of publication of the proceedings and the cost of transportation within the United States for official foreign members of the Association and authorized foreign delegates while visiting waterways in the United States. Funds appropriated pursuant to this Act shall be administered under the direction of the Secretary of the Army and the supervision of the Chief of Engineers.

SEC. 2. The authorization contained in section 1 shall be in addition to the authorization of not exceeding \$5,000 annually made available by section 107 of the "River and Harbor Act of 1948" (62 Stat. 1174) for the support and maintenance of the Permanent International Commission of the Congresses of Navigation and for the payment of the expenses of the delegates of the United States to the meetings of the Congresses and of the Commission.

Senator McNAMARA. The first witness is General Person, of the Corps of Engineers.

We are glad to have you here, General.

General PERSON. Thank you.

Senator McNAMARA. You may proceed in your own manner, sir.

**STATEMENT OF BRIG. GEN. JOHN L. PERSON, ASSISTANT CHIEF OF ENGINEERS FOR CIVIL WORKS, AND CHAIRMAN EX OFFICIO, AMERICAN SECTION, PERMANENT INTERNATIONAL ASSOCIATION OF NAVIGATION CONGRESSES**

General PERSON. Very well, sir. If I may, I should like to insert the statement for the record and brief it.

Senator McNAMARA. We will be happy to do that, and your entire statement will be printed in the record at this point.

General PERSON. Thank you, sir.

(The prepared statement is as follows:)

**STATEMENT OF BRIG. GEN. JOHN L. PERSON, ASSISTANT CHIEF OF ENGINEERS FOR CIVIL WORKS AND CHAIRMAN EX OFFICIO, AMERICAN SECTION, PERMANENT INTERNATIONAL ASSOCIATION OF NAVIGATION CONGRESSES**

Mr. Chairman and members of the committee, the bill, S. 3405, before you this morning would authorize the appropriation of not to exceed \$180,000 to finance holding the 1961 meeting of the Permanent International Association of Navigation Congresses in the United States. The Association, commonly called PIANC, is an international association of engineers, scientists, and others interested in promoting the progress of inland and maritime navigation. An International Commission governs the Association and holds annual meetings usually in Brussels. Navigation congresses are held every 4 years in a member country selected by this Commission from invitations tendered at the annual meeting 3 years prior to the congress.

The Association was organized in its present form in 1902, and the United States became a member nation by an act of Congress approved June 28, 1902. An annual appropriation of \$5,000 in support of PIANC is made, from which \$1,500 is paid directly to the International Association and the remainder finances attendance of official United States delegates to the annual meetings and to congresses. In addition to the United States, 53 member nations and international organizations support the Association through annual subsidies.

The American Section of PIANC is governed by a National Commission, the members of which are selected and approved by the Chief of Engineers and the Director of the Office of Transport and Communications Policy, Department of State. The Assistant Chief of Engineers for Civil Works and the resident member, Board of Engineers for Rivers and Harbors, are ex officio Chairman and Secretary, respectively, of the National Commission.

The membership in the American Section, the largest of any member nation, is of three types: Individual membership, corporate membership, and limited corporate membership. There are 555 individual members, 32 corporate and

33 limited corporate members. The last category consists of university, association, or public libraries.

PIANC's main purpose, the interchange between nations of information pertaining to inland and ocean navigation, is accomplished by holding congresses every 4 years and publishing the proceedings thereof, as well as by publishing semiannual bulletins and related papers. As an example of the last, a six-language technical dictionary is being published. At the 19th Navigation Congress held in London, England, last year consideration was given to 5 papers on inland navigation, 5 papers on ocean navigation, and 1 pertaining to both. Typical subjects covered were "The role of inland waterways in furthering economic development" and "The influence of ice on navigable waterways and on sea and inland ports." In connection with this subject, the Soviet delegate to the Congress delivered a paper on the progress the Soviet Union is making in the design of atomic icebreakers. After discussion on these papers, the Congress adopted its conclusions, and the entire proceedings are now being published for the benefit of all nations.

The London Congress last July was opened by the Duke of Edinburgh. It comprised 6 days of technical deliberations interspersed with visits to various technical institutions. After the formal conclusion of the Congress, as is the custom, visits of inspection were made to various inland waterways or seaports.

Of the 19 congresses which have been held to date, 3 each have been held in Belgium, Great Britain, and Italy; 2 each in France and Germany; and 1 each in Austria, Egypt, the Netherlands, Portugal, Russia, and the United States.

The only Congress to which the United States has been host was held at Philadelphia, Pa., in 1912. Consequently, because of this, and also because of this, and also because of the leading role of the United States in all matters pertaining to navigation, it has been inevitable since reactivation of the Association after the war that the other member nations of PIANC look to the United States to hold a congress. This sentiment has become so evident in recent years that the former Chief of Engineers, General Sturgis, felt that it was incumbent on the American Section to develop a proposal looking forward to inviting the Association to the United States. The present Chief of Engineers, General Itschner, believes that the 1961 Navigation Congress should be held in the United States. There appears to be no question that an invitation from the United States will be accepted by the International Commission. Neither is there any doubt in the minds of those responsible in accordance with statutes for representing the United States in this international organization that such an invitation is most appropriate at this time in the interest of maintaining the prestige of the United States in international affairs.

In estimating the funds necessary to finance a Navigation Congress in this country we have not envisioned an affair as grandiose as the Philadelphia Congress, at which President William Howard Taft made the opening address, or the one held in Rome, Italy, in 1953. Judging from the records of the Philadelphia, Rome, and London Congresses, the welcoming receptions and banquets which have customarily been provided by the host nation during the Congress and post-Congress inspection visits have been undertaken on a progressively more modest scale. I believe that, with the \$180,000 mentioned in the bill before you, the United States could hold a successful congress comparable with the London Congress, which was truly a brilliant and highly successful affair. I believe, however, that this is the minimum amount with which we should attempt to hold a congress.

In preparing the estimate, we have consulted freely with the British, with the executive committee of the international organization, with convention specialists in the United States, and with the Department of State. The Department of State has advised that it has no objection to the proposed legislation and that it views with favor the convening of international meetings in the United States which bring together specialists on subjects of mutual interest.

The Bureau of the Budget has advised that it has no objection to the proposed legislation.

This concludes my remarks.

General PERSON. I am Brig. Gen. John L. Person, Assistant Chief of Engineers for Civil Works.

The bill, S. 3405, would authorize the appropriation of not to exceed \$180,000 to finance the 1961 Congress of the Permanent International Association of Navigation Congresses. This Association, commonly



called PLANC, is an international association of engineers, scientists, and others interested in promoting the progress of inland and maritime navigation, and holds annual meetings, usually in Brussels.

The Association was organized first in 1900, and the United States became a member nation by an act of Congress, approved June 28, 1902. There are 53 other member nations and international organizations which help support the Association.

The main purpose of the Association is to interchange information between nations pertaining to inland and ocean navigation. This is accomplished by the holding of congresses every 4 years and publishing the proceedings of its congresses by semiannual bulletins and related papers.

The last congress was held in London in July 1957. It was opened by the Duke of Edinburgh, and comprised 6 days of technical discussion and visits to technical institutions, and, following the congress, visits of inspection.

There have been 19 congresses held to date. Three each have been held in Belgium, Great Britain, and Italy; two each in France and Germany; and one each in Austria, Egypt, the Netherlands, Portugal, and the United States. We had our last congress in Philadelphia in 1912. It appears to be our turn again.

The \$180,000 was based upon a much less elaborate congress than was held in Philadelphia, when President William Howard Taft opened the congress, and much less elaborate than the one held in Rome, Italy, in 1953. But it would be comparable, I believe, with the London conference, which was quite successful.

In preparing the estimates, we consulted with the British, with the executive committee of the international organization, with convention specialists in the United States, with the State Department, and with the Bureau of the Budget.

The Department of State has advised that it has no objection to the proposed legislation and that it views with favor the convening of international meetings in the United States which bring together international experts.

The Bureau of the Budget has advised that it has no objection to the proposed legislation.

Senator McNAMARA. Thank you, General.

Is there any comment or questions, Senator?

Senator HRUSKA. General Person, what items or types of items would be defrayed from the requested authorization?

General PERSON. The \$180,000 is made up, first, of an amount of \$49,300 for organization and administration. That would be for the staff and the organization to handle the meeting, at which we expect about 1,500 delegates, to conduct the congress, and to take care of the numerous administrative details involved.

Then \$37,760 for publication of papers and proceedings, which includes questionnaires, information pamphlets, the compilation and publication of the proceedings in 2 languages, and the postage for distribution. That is normally handled by the host country at the congresses.

Then, \$37,500 for official receptions and dinners. That would be an official reception, a buffet supper, and a banquet on a scale not nearly equivalent to that of the Rome Congress or to the Portugal Congress of 1949, but pretty well on a par with the London Congress.

And the final item of \$41,800 would be expenses of functions normally provided by the host nation in connection with inspection trips and visits to local points of interest. In other words, the policy has been that the host nation will provide short bus trips, luncheons, exhibitions, and guided tours at the expense of the host government.

This \$180,000 does not include any amount for transportation from the congress city to other points in the Nation. In other words, if they wanted to go from New York or Washington to Chicago or Dallas or New Orleans, the individual delegate would pay his own expenses.

Then we have a contingency of 8 percent, which amounts to \$13,640, giving a total of \$180,000.

Senator HRUSKA. Is there a permanent organization of this body?

General PERSON. Yes, sir. There is an international commission made up of representatives of the member nations. The American section is composed of the Assistant Chief of Engineers for Civil Works as its ex officio Chairman, the resident member of the Board of Engineers for Rivers and Harbors as the ex officio Secretary, and then members selected and approved jointly by the Chief of Engineers and the Department of State.

Senator McNAMARA. Do you have permanent officers?

General PERSON. They are not permanent, sir; they are appointed for a 4-year term.

Senator HRUSKA. Perhaps you have already given it, General Person, but I don't recall having heard it. Where was the meeting held last year?

General PERSON. In London, sir.

Senator McNAMARA. The figures you gave us in that estimated budget total about \$260,000. Where do you get the difference between the \$180,000, or did I get the figures wrong?

General PERSON. I think I must have misled you, sir.

Senator McNAMARA. What is the first item?

General PERSON. The items are: "Organization and administration, \$49,300"; the second item, "Publication of papers and proceedings"—

Senator McNAMARA. I see where the error is in the first item. I had \$140,000.

Senator HRUSKA. I have no further questions, Mr. Chairman.

Senator McNAMARA. Thank you very much. We are sure the subcommittee and the committee will give your testimony full consideration, sir.

General PERSON. Thank you very much, sir.

(Comments of the Federal agencies on S. 3405 are as follows:)

EXECUTIVE OFFICE OF THE PRESIDENT,  
BUREAU OF THE BUDGET,  
Washington, D. C., March 24, 1958.

HON. DENNIS CHAVEZ,

*Chairman, Committee on Public Works,*

*United States Senate, Washington, D. C.*

MY DEAR MR. CHAIRMAN: This will acknowledge your request for the views of the Bureau of the Budget on S. 3405, a bill to authorize the appropriation of funds to finance the 1961 meeting of the Permanent International Association of Navigation Congresses.

The bill would authorize the appropriation of \$180,000 to defray the cost of a meeting of the Permanent International Association of Navigation Congresses proposed to be held in the United States in 1961.



The Bureau of the Budget would have no objection to enactment of S. 3405.  
Sincerely yours

ROBERT E. MERRIAM, *Deputy Director.*

DEPARTMENT OF THE ARMY,  
*February 11, 1958.*

HON. RICHARD M. NIXON,  
*President of the Senate.*

DEAR MR. PRESIDENT: There is forwarded herewith a draft of legislation to authorize the appropriation of funds to finance the 1961 meeting of the Permanent International Association of Navigation Congresses.

The submission of this legislation is in accordance with procedures approved by the Secretary of Defense. The Bureau of the Budget has advised that it has no objection to the submission of this proposal for the consideration of the Congress, and the Department of the Army recommends its enactment.

#### PURPOSE OF THE LEGISLATION

The purpose of this proposed legislation is to authorize the appropriation of not to exceed \$180,000 for the necessary expenses of the meeting of the Permanent International Association of Navigation Congresses proposed to be held in the United States in 1961. The expenses would include, but would not be limited to, the cost of publication of the proceedings and the cost of transportation within the United States for official foreign members of the association and authorized foreign delegates while visiting waterways in the United States in connection with the meeting. Funds appropriated would be administered under the direction of the Secretary of the Army and the supervision of the Chief of Engineers. The authorization would be in addition to that contained in section 107 of the River and Harbor Act of 1948 (62 Stat. 1174) which provides that not exceeding \$5,000 annually shall be available for the support and maintenance of the Permanent International Commission of the Congresses of Navigation, the managing body of the association, and for the payment of the expenses of the delegates of the United States to the meetings of the congresses and of the Commission.

The Permanent International Association of Navigation Congresses, with headquarters now in Brussels, was founded in Paris in 1900 following separate series of international Congresses on inland navigation initiated in 1885 and on maritime navigation beginning in 1889. The purpose of the association is to promote the progress of inland and maritime navigation, in particular the improvement of rivers, internal and maritime canals, and ports. The association membership consists of delegates of governments and corporations which grant an annual subsidy to the organization and of private members paying annual fees. United States participation was first authorized by an act approved June 28, 1902 (32 Stat. 485), and present authorization is contained in the River and Harbor Act of 1948, referred to above.

The association accomplishes its objects in part through organizing international navigation congresses, of which there have been 19, the latest having been held at London, England, in July 1957. The only international navigation congress held in the United States met in Philadelphia in 1912. The expenses for that meeting were appropriated by the River and Harbor Act of 1910 (36 Stat. 630, 667).

#### COST AND BUDGET DATA

It is estimated that the expenses of the proposed meeting will not exceed \$180,000.

Sincerely yours,

WILBER M. BRUCKER,  
*Secretary of the Army.*

A BILL To authorize the appropriation of funds to finance the 1961 meeting of the Permanent International Association of Navigation Congresses

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there is hereby authorized to be appropriated not to exceed \$180,000 for the necessary expenses of the meeting of the Permanent International Association of Navigation Congresses to be held in the United States in 1961. These expenses shall include, but shall not be

limited to, the cost of publication of the proceedings and the cost of transportation within the United States for official foreign members of the Association and authorized foreign delegates while visiting waterways in the United States. Funds appropriated pursuant to this Act shall be administered under the direction of the Secretary of the Army and the supervision of the Chief of Engineers.

SEC. 2. The authorization contained in section 1 shall be in addition to the authorization of not exceeding \$5,000 annually made available by section 107 of the River and Harbor Act of 1948 (62 Stat. 1174) for the support and maintenance of the Permanent International Commission of the Congresses of Navigation and for the payment of the expenses of the delegates of the United States to the meetings of the Congresses and of the Commission.

Senator McNAMARA. Now, we are back to 3107.  
(S. 3107 follows:)

[S. 3107, 85th Cong., 2d sess.]

A BILL To provide for the annual audit of bridge commissions and authorities created by Act of Congress, for the appointment of members thereof, transfer of functions, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) each bridge commission and authority created by Act of Congress shall provide for an annual audit of its financial transactions by an independent firm of certified public accountants in such manner as prescribed by the governors of the States concerned and in accordance with the principles and procedures applicable to commercial corporate transactions. Each such commission and authority shall make available for such purposes all books, accounts, financial records, reports, files and all other papers, documents, or property belonging to or in use by such commission or authority. The General Accounting Office is authorized and directed to make available its advice on any matter pertaining to an audit performed pursuant to this section.

(b) The commission or authority within four months following the close of the fiscal year for which the audit is made shall submit a copy of the audit report to the governors of the States concerned. The report shall set forth the scope of the audit and shall include a statement of assets and liabilities, capital, and surplus or deficit; a statement of surplus or deficit analysis; a statement of income and expenses; a statement of sources and application of funds; and such comments and information as may be deemed necessary to keep the governors of the States concerned informed of the operations and financial condition of the commission.

(c) The governor of either State concerned is authorized to provide for the conduct of further audits of any bridge commission or authority created by Act of Congress if the audit report submitted under subsection (b) is not satisfactory to said governor.

(d) The commission or authority shall bear all expenses of auditing its financial transactions as required by this section.

SEC. 2. (a) The term of office of each person who is a member, on the date of enactment of this Act, of a bridge commission or authority created by Act of Congress shall expire ninety days after the date of enactment of this Act except—

(1) that incumbent members whose terms have so expired shall hold over in office until their successors are appointed and qualified, and

(2) that this section shall not be applicable to ex officio members of such bridge commission or authority.

The governors of the States concerned shall thereafter jointly appoint not more than one-third of the members of such bridge commission or authority for a term of two years from the date of appointment, not more than one-third of the members of such bridge commission or authority for a term of four years and the remaining members for a term of six years. Thereafter, the term of each member appointed to such commission or authority shall be six years, except when an appointment is made to fill an unexpired term or when an incumbent member whose term has expired holds over until his successor is appointed. A vacancy occurring by reason of failure to qualify as a member, death, removal from office, or resignation shall be filled jointly by the governors of the States concerned for the remainder of the unexpired term of the member of the commission or authority whom he succeeds.



(b) Each member appointed under this Act shall qualify within thirty days after appointment by filing with the governors of the States concerned an oath that he will faithfully perform the duties imposed upon him by law.

(c) Each member appointed under this Act shall be removable for cause by the governor of the State in which the member resides.

SEC. 3. Each bridge commission and authority created by Act of Congress shall submit an annual report, covering its operations and fiscal transactions during the preceding fiscal year, its financial condition and a statement of all receipts and expenditures during such period, to the governors of the States concerned and to the Secretary of Commerce not later than four months following the close of the fiscal year for which the audit required under section 1 of this Act is made.

SEC. 4. Authority is hereby granted to transfer all functions, powers, duties, responsibilities, authority, assets, liability, obligations, books, records, property, and equipment of any existing bridge commission or authority created by Act of Congress to the highway department or other agency of the State or States concerned, or to joint agencies established by interstate compact or agreement. Such transfer shall be carried out in a manner as may be prescribed or authorized by the laws of the State or States concerned. Upon such transfer, such bridge commission or authority shall cease to exist.

SEC. 5. (a) All provisions of Acts of Congress creating bridge commissions or authorities may be enforced or the violation thereof prevented by mandamus, injunction, or other appropriate remedy by the chief legal officer of either State concerned, in any court having competent jurisdiction of the subject matter and of the parties. The following provisions of law are hereby repealed:

Section 11 of the Act approved October 30, 1951 (65 Stat. 699) ;

Section 15 of the Act approved July 26, 1956 (70 Stat. 676) ;

Section 12 of the Act approved August 9, 1939 (53 Stat. 1272) ; and

Section 12 of the Act approved April 12, 1941 (55 Stat. 144).

(b) Members and employees of bridge commissions and authorities created by Act of Congress shall not be deemed to be Federal officers and employees.

SEC. 6. The provisions of this Act shall apply to any bridge commission or authority created by Act of Congress and authorized to construct and/or acquire an interstate bridge, including :

(1) Arkansas-Mississippi Bridge Commission, created by the Act approved May 17, 1939 (53 Stat. 747) ;

(2) Louisiana-Vicksburg Bridge Commission, created by the Act approved August 9, 1939 (53 Stat. 1267) ;

(3) White County Bridge Commission, created by the Act approved April 12, 1941 (55 Stat. 140) ;

(4) City of Clinton Bridge Commission, created by the Act approved December 21, 1944 (58 Stat. 846) ;

(5) Sabine Lake Bridge and Causeway Authority, created by the Act approved October 30, 1951 (65 Stat. 695) ; and

(6) Muscatine Bridge Commission, created by the Act approved July 26, 1956 (70 Stat. 669).

SEC. 7. If any provision of this Act, or the application of such provision to any person or circumstance, is held invalid, the remainder of the Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Senator McNAMARA. We started to hear from Mr. Morris this morning.

Are there some representatives here from the Department of Commerce?

Mr. Tallamy, you have a prepared statement on this one.

Did you indicate that you wanted this inserted or do you want to present your statement? It is your pleasure, sir. We will be glad to hear from you now.

**STATEMENT OF HON. BERTRAM D. TALLAMY, FEDERAL HIGHWAY ADMINISTRATOR**

Mr. TALLAMY. Well, Mr. Chairman, I have a prepared statement. In the interest of saving time I would suggest that my statement be filed and that I speak extemporaneously.

Senator McNAMARA. All right, we will have your statement as presented printed in the record at this point and you may proceed in your own manner from there.

(The statement of Mr. Tallamy follows:)

**STATEMENT OF HON. BERTRAM D. TALLAMY, FEDERAL HIGHWAY ADMINISTRATOR**

Mr. Chairman and members of the committee, I appreciate the opportunity to present the views of the Department of Commerce with respect to S. 3107, which would provide for the annual audit of certain bridge commissions and authorities created by act of Congress, as well as for the appointment of the members of such organizations and other matters.

On July 26, 1956, the President issued a statement in connection with his approval of a bill which created the Muscatine Bridge Commission indicating that only the emergency circumstances existing at that time caused by the collapse of the bridge at Muscatine the previous month inclined him to approve the bill. The President recommended that Congress give consideration to the enactment of legislation which would clarify the status of existing federally authorized bridge commissions and require that they be subject to the following uniform safeguards:

(1) Provision for annual audit by competent authority; and

(2) Regularized provisions fixing conditions for filling commission vacancy.

The provisions of S. 3107 are designed to carry out these recommendations of the President.

The construction and operation of interstate bridges traditionally have been a State rather than a Federal responsibility, and the States would appear to have ample authority to provide for the construction, maintenance, and operation of interstate bridges under the General Bridge Act of 1946 and the interstate compact procedure without necessity for enactment of Federal legislation creating special bridge commissions.

During the last 30 years, however, Congress has created a number of bridge commissions or authorities for the purpose of constructing and/or acquiring interstate bridges. Such commissions are neither State nor Federal agencies, nor is the responsibility of assuring that they faithfully carry out their public duties clearly vested in any specified official or agency. Thus it is apparent that federally created bridge commissions pose serious legal and administrative problems.

The pending legislation would require the annual audit by an independent firm of certified public accountants of each of these bridge commissions or authorities. Section 2 of the bill would provide for a uniform method of filling vacancies in membership, thereby relieving the Federal Government of such responsibility where vacancies are now required to be filled by an official of the Federal Government. Section 3 would require each bridge commission and authority to submit an annual report covering its operations and fiscal transactions during the preceding fiscal year, its financial conditions, and a statement of all receipts and expenditures during this period, to the governors of the States concerned and to the Secretary of Commerce. The bill would also authorize the transfer of any existing bridge commission or authority, to which the bill would be applicable, to the highway department or other agency of the State or States concerned, or to joint agencies established by interstate compact or agreement. Uniform enforcement provisions would be set forth under section 5 of the bill.

As I stated a moment ago, the provisions of S. 3107 are intended to accomplish the recommendation of the President made in 1956 in connection with his approval of the act creating the Muscatine Bridge Commission. It is believed that the uniformity which the legislation would provide is desirable from both a legal and administrative viewpoint.

The Department of Commerce recommends enactment of S. 3107.



Mr. TALLAMY. Thank you, Mr. Chairman. First, I would like to emphasize that as we see the problem of building bridges between States the existing Federal legislation regarding the construction of such bridges is ample. In addition, State compacts can be developed for that purpose, that has traditionally been the case where States themselves have constructed interstate bridges in accordance with these general authorities.

However, regardless of the existing Federal legislation and that tradition mentioned above a number of bridges have been constructed as a result of Federal legislation specifically authorizing the creation of commissions and authorities for that purpose.

It is the opinion of our department and of the Bureau of Public Roads that with regard to these various commissions certain stated requirements should be provided.

First of all, this bill, if enacted, would provide for an annual audit of all of the commissions and authorities which have been created by Federal legislation.

Second, it provides that uniform procedures be established for the filling of vacancies as they occur on the commissions.

Third, it would provide for the submission of an annual report to the governors of the respective States involved and to the United States Secretary of Commerce setting forth the operation and administration, and financial and fiscal matters that have developed during the course of the year on the part of the authority or commission.

Fourth, it provides for the transfer of all of the authorities for operation, construction and maintenance of the various commissions and authorities to the State highway department or departments that may be involved or to an agency which may be developed by the two States in accordance with an interstate compact, and the dissolution of the authority or commission.

Then, fifth, it provides for the enforcement of the various provisions set forth in this act.

We in the Department believe it is highly desirable that all of the commissions and authorities which presently exist be required to operate in accordance with this type of legislation. The Department upon consideration fully approves the bill as submitted for consideration by your committee.

Senator McNAMARA. Thank you, sir.

Do you have any questions or comments, Senator Hruska?

Senator HRUSKA. Mr. Tallamy, is there any connection between this bill and the bill S. 1081 which we considered earlier today?

Mr. TALLAMY. Well, there is no direct connection between the two bills. They are independent pieces of legislation, but this bill would have an effect upon the City of Clinton Bridge Commission in that it would require the commission to prepare and submit an annual audit to the respective governors. It would require them to fill vacancies in accordance with the provisions of this bill and would require them to prepare an annual report and transmit it to the two governors and to the Secretary of Commerce. In addition, it would provide that the City of Clinton Bridge Commission be transferred to the Highway Department of Iowa or Illinois, or to the two of them or to some other interstate agency which may be created as a result of an interstate compact. It would also provide for enforcing these

matters which I have just cited, so it would have an effect upon that commission if this bill were passed.

Senator HRUSKA. Would it have any effect on the tax picture of any of the bridges which would be affected by this act?

Mr. TALLAMY. This act itself is silent on the matter of taxation.

Senator HRUSKA. I note on page 5 of the bill that section 15 of the act approved July 26, 1956, is repealed. What is that act? What is that section? What does it pertain to?

Mr. TALLAMY. I am advised by our Counsel that I am correct in that the bill under consideration does not affect or rather is silent on the matter of taxation. Section 15 of the proposed bill has to do with an enforcement of the provisions of a part of this bill which I have generally outlined.

Senator McNAMARA. Does that satisfy you, Senator Hruska?

Senator HRUSKA. Yes.

Senator McNAMARA. You have a copy of that section 15 before you now.

Senator HRUSKA. I have been furnished with a copy of that section and I now note its general nature.

Now, Mr. Tallamy, to what bridges or what commissions would this bill if it became law apply?

Mr. TALLAMY. It would apply to those listed on page 6 of the proposed bill which are the Arkansas-Mississippi Bridge Commission, the Louisiana-Vicksburg Bridge Commission, the White County Bridge Commission, the City of Clinton Bridge Commission, the Sabine Lake Bridge and Causeway Authority, and the Muscatine Bridge Commission.

Senator HRUSKA. How many of those commissions have actually constructed their projects and are in operation, with the projects in operation?

Mr. TALLAMY. I can't answer that precisely. It is my impression that they all have bridges in operation.

Senator McNAMARA. Somebody in the rear indicates no.

Do you want to clarify that statement, sir?

Mr. HALLORAN. Paul Halloran, an attorney from Clinton, Iowa.

It is my recollection that the White County Bridge Commission is activated and in business; the City of Clinton Bridge Commission is, and the Muscatine Bridge Commission. There are three of them, the Louisiana-Vicksburg is not activated and the Arkansas-Mississippi I do not believe is, and the Sabine Lake Bridge and Causeway is not in existence.

VOICE. Yes, it is.

Mr. HALLORAN. Well, it is. There are two of them. It affects four, in other words.

Senator McNAMARA. Thank you very much.

Mr. HALLORAN. Thank you, sir.

Senator HRUSKA. I am informed by a member of the staff that that No. 1, Arkansas-Mississippi Bridge Commission is actively engaged in awarding a contract and getting one established.

Senator McNAMARA. Do you have any further comment or questions, Senator?

Senator HRUSKA. No, not at this time, Mr. Chairman.

Senator McNAMARA. Thank you, Mr. Tallamy.



Mr. TALLAMY. Thank you, Mr. Chairman.

Senator McNAMARA. Mr. Morris, we will be glad to hear you. You started to give testimony this morning.

Senator HRUSKA. Mr. Chairman, may I inquire of Mr. Tallamy, off the record?

Senator McNAMARA. Off the record.

(Discussion off the record.)

Senator McNAMARA. On the record.

## STATEMENT OF MARK N. MORRIS, CHAIRMAN OF THE CITY OF CLINTON, IOWA, BRIDGE COMMISSION—Resumed

Mr. MORRIS. Mr. Chairman, since this morning I have become a veteran on Senate hearings. I believe I will waive, if I may, the reading of this statement. It is on file but I would like to make a few remarks.

Senator McNAMARA. All right, the statement I don't think was ordered printed in the record in full and it will be so printed at this point.

(The complete statement of Mr. Morris follows:)

### STATEMENT OF MARK N. MORRIS, CHAIRMAN OF THE CITY OF CLINTON (IOWA) BRIDGE COMMISSION

My name is Mark N. Morris of Clinton, Iowa, and I am chairman of the city of Clinton Bridge Commission. I have served in that capacity since the Commission was created by Public Law 526—78th Congress, chapter 633—2d session (S. 1159) as introduced by Senator Guy Gillette. The City of Clinton Bridge Commission operates the Lyons-Fulton bridge on U. S. 30A, which was acquired in October of 1954, and the new Gateway bridge on U. S. 30, which was opened to traffic on June 30, 1956.

It is my purpose in appearing before this committee to state the City of Clinton Bridge Commission's objections to the enactment of S. 3107.

#### 1. ANNUAL AUDIT

This bill requires an annual audit of the books, accounts, and records of bridge commissions and authorities created by act of Congress, by independent certified public accountants. We are not opposed to such annual audits. We are in favor of annual and monthly audits, and the City of Clinton Bridge Commission now requires annual and monthly audits of its books, accounts and records by an independent firm of certified public accounts and has done so ever since it purchased the two old bridges at Clinton and started the construction of a new bridge in 1954. Copies of each of these annual audit reports have been forwarded to the Bureau of Public Roads, the Illinois Division of Highways, and the Iowa State Highway Commission in accordance with the act creating the City of Clinton Bridge Commission.

While the commission's policy is to have monthly and annual audits of its books, accounts and records by an independent firm of certified public accountants, the commission does not agree with the provisions of S. 3107 with reference to such audit because, according to S. 3107, "The Governor of either State concerned is authorized to provide for the conduct of further audits of any bridge commission or authority created by act of Congress if the audit report submitted under subsection b is not satisfactory to said Governor. The commission or authority shall bear all expense of auditing its financial transactions as required by this section." The commission is against this provision because we believe that the expense of performing additional audits at the request of the Governors of either State is a useless expenditure of bridge funds.

We hereby file with your committee as evidence of our reports and audits three copies of the following:

(a) Report on the City of Clinton Bridge Commission for the fiscal year ending June 30, 1955, submitted by Brooks, O'Connor & Brooks, and signed by M. E. Brooks, certified public accountant.

(b) Report on the City of Clinton Bridge Commission for the fiscal year ending June 30, 1956, submitted by Brooks, O'Connor & Brooks, and signed by Ralph K. Brooks, certified public accountant.

(c) Report on the City of Clinton Bridge Commission for the fiscal year ending June 30, 1957, submitted by Brooks, O'Connor & Brooks, and signed by Ralph K. Brooks, certified public accountant.

(d) Report on the City of Clinton Bridge Commission for the fiscal year ending June 30, 1958, submitted by W. E. Ellwanger, assistant treasurer of the commission, and certified by Brooks, O'Connor & Brooks, as signed by Ralph K. Brooks, certified public accountant.

(e) Final cost of construction of the Gateway Bridge, dated May 1, 1957, as prepared by W. E. Ellwanger, manager of the City of Clinton Bridge Commission.

(f) Report on the sale of series "B" bonds and purchase of the Lyons and Fulton Bridge, dated July 1, 1957, as prepared by W. E. Ellwanger, manager of the City of Clinton Bridge Commission.

(g) Final report to the City of Clinton Bridge Commission on the Gateway Bridge, dated July 1, 1957, as submitted by Modjeski & Masters, consulting engineers.

(h) Three copies of a brochure prepared for the opening of the Gateway Bridge on June 30, 1956.

## 2. TERMINATION OF TERM OF COMMISSION MEMBERS

This bill provides that the term of office of each person who is a member, on the date the bill is enacted, of a bridge commission or authority created by act of Congress, except ex officio members, shall expire 90 days after the bill is enacted. This provision could result in the abrupt dismissal of numerous members of such bridge commissions and authorities who have faithfully, honestly, and efficiently performed their duties. That would not be good. Likewise, this provision could result in the complete change or turnover of the entire membership of a given bridge commission or authority at one time. That would not be good.

## 3. APPOINTMENT OF COMMISSION MEMBERS

This bill provides that, except as to ex officio members, the governors of the States concerned shall jointly appoint the members of bridge commissions or authorities created by act of Congress. That is not good.

Suppose that the governor from one or more of the States concerned should refuse to act on appointments to a bridge commission or authority created by act of Congress. What happens? What power does Congress have to require the governor of a State to appoint the members of a bridge commission or authority created by act of Congress? Usually there are 2 States concerned and it is possible the 2 governors would not agree on an appointment. How would the appointment be made?

We feel that it is all wrong to designate the governors of the States concerned as the appointing agency for members of bridge commissions and authorities created by act of Congress. In our opinion, the proper appointing agency for members of such bridge commissions and authorities, except ex officio members, is the Secretary of Commerce or the Commissioner of Public Roads as provided in the act creating the City of Clinton Bridge Commission.

There are numerous other objections to this bill, but the above will suffice to illustrate some of the reasons why, in our opinion, the bill should not be passed.

There is a need for bridge commissions created by act of Congress. To our knowledge such bridge commissions have solved and are solving, in a commendable manner, important interstate bridge problems for which no other solution is readily available. Such being the case, any legislation affecting such bridge commissions, should tend to improve, strengthen and encourage such bridge commissions and facilitate their operations. In our opinion, S. 3107 and H. R. 10172 would not perform this function.

The City of Clinton Bridge Commission has agreed, in accordance with the act of Congress creating the Commission, with the State of Iowa and the State of Illinois to give the Gateway Bridge to the aforesaid States when the bonds have been retired and the two States have agreed to accept it.



On June 30, 1956, the Gateway Bridge opened to traffic and diverted 69 percent of the total volume of traffic from the Lyons and Fulton Bridge which was erected in 1891 and purchased by the City of Clinton Bridge Commission in October of 1954. The Commission has been able to retire \$1,608,000 of the total bond issues of \$7,700,000 since June 30, 1956, and this retirement is shown in our June 1958 statement. In other words the Commission has retired over 20 percent of the total bond issues since June 30, 1956. In addition to the bonds retired, the Commission has deposited in a trust account, held by the Northern Trust Co., trustee, of Chicago, Ill., the sum of \$365,503.03 for the express purpose of the payment of bond interest and bond retirement. If the Commission is allowed to continue to exist and operate as it has, the bonds will be retired, the bridge will be made a free bridge, and transferred to the States of Iowa and Illinois well in advance of the scheduled bond maturity date, the last of which is July 1, 1979. This will be accomplished without the use of one cent of Federal, State, or local aid and without burden to any taxpayer. The user of the bridge will pay for the bridge.

Senator McNAMARA. You go ahead in your own manner.

Mr. MORRIS. Thank you. We of the Clinton Bridge Commission referring to the audit feature in the Department of Commerce bill, in effect we are now giving our audit to the two governors because each one of the highway commissions of Iowa and Illinois gets a copy of that audit. So, in effect, it is available to the governors.

In addition to that, we have a member of our Commission from each of the two States who are at every meeting and know what is going on. Our trustee requires a very exhaustive audit, which you have in your exhibit, and I don't believe anyone could ask for a more thorough audit than that. However, we are not opposed to any form of audit that you might want to put on us. We are prepared to give you an audit day or night, 365 days a year; we are more than willing to.

Now, this appointment provision we think it highly unfair. This Commission was created by an act of Congress in 1944. All they gave us was the authority to do this job. We worked on this thing day and night for 10 years, took a lot of abuse, spent a lot of time, financed it ourselves, finally we got to the point where we were successful; we owed \$7,700,000 for nothing so we figured we were successful. We constructed this bridge, we are now operating it, we bought two privately owned toll bridges. We went through a lot to get this thing where it is. Now, we have operated it, we have retired a good many bonds; we are ahead of schedule. We think we are doing a good job and we don't like the idea of being kicked out. Now, this matter of appointment, the way it is in our bill, I don't believe for this handful of commissions, as it was just pointed out, it would be too hard a job for the Commerce to make a few public appointments each year, or the Bureau of Public Roads, wherever it might fall.

I haven't anything more to say. There are enough of us here to answer any type of question that the committee may have.

Senator McNAMARA. All right, sir. Thank you.

Do you have any questions or comments, Senator Hruska, at this point?

Senator HRUSKA. Well, now, how are the members of the Commission appointed now and how are vacancies filled?

Mr. MORRIS. We are appointed by the Secretary of Commerce. We are on a 3-year term. When our term expires, the Commission sends in a resolution asking for the reappointment and the Commerce

Department, as I understand it, refers it to the Bureau of Public Roads. It is referred back, so finally the Bureau of Public Roads contacts both Springfield, the Illinois Highway Department, and the Iowa Highway Department at Ames, to see if the man to be appointed or reappointed is satisfactory and then it goes back through channels and finally the Secretary of Commerce comes through with appointments. We are under bond.

Senator HRUSKA. Vacancies are filled in a similar fashion, are they?

Mr. MORRIS. Yes.

Senator HRUSKA. It is noted that one of the objections made in your statement to the present language of the proposed bill is that the governors are called upon to jointly appoint not more than one-third of the members and it is suggested maybe we might reach a point where the two governors could not agree on something.

Now, would you like to elaborate on that?

Mr. MORRIS. Yes, I would.

You men are practical politicians or you wouldn't be sitting where you are. You could imagine an almost impossible situation should these two governors appoint 4 from Iowa in our case and 1 from Illinois; or 4 from Illinois and 1 from Iowa. They could be from Cook County, which is Chicago. When the bridge is on the extreme western part of the Illinois area—I mean, I don't see how it would be workable. I think it would result in a political football and I don't see how they could do a better job than has been done.

Senator HRUSKA. Before we get too far away from the record it should be noted that the governors jointly appoint all of the members, not more than one-third for a 2-year term, 4-year term and 6-year term, and so on.

In other words, you feel that the lack of definiteness as to where these Commissioners should come from within a State might be an item that should be corrected in the bill?

Mr. MORRIS. No, we just don't like the idea of the governors appointing. They didn't want any part of this when we were conceived in 1944. We explored every method of trying to get this job done. The only vehicle was a Federal commission such as we are and I don't believe it is too much of a job to appoint a few members every year to these commissions.

We have nothing against the uniform procedure of appointment. I mean I can see where the Department of Commerce would desire such a thing.

Senator HRUSKA. Well, under the present law can the Secretary of Commerce appoint someone from Cook County on the Illinois side of the Commission?

Mr. MORRIS. I don't believe there is any provision for anybody from Illinois other than an official member of their highway department; the five resident Commissioners of Iowa.

Senator HRUSKA. What about Iowa, can they take them from Council Bluffs, Des Moines, the other end of the State from where the bridge is located?

Mr. MORRIS. I think they could. The name of it is the City of Clinton Bridge Commission, so they appointed them from Clinton which is logical. However, perhaps the act would be broad enough so they could appoint from some other locality.



Senator HRUSKA. As far as you know, the appointments presently under these acts for the Clinton Bridge Commission, is it the same as the other commissions involved here?

Mr. MORRIS. No, Muscatine, for instance, which I am familiar with, have a provision where I believe they select, if there is a vacancy, they were named, like ours, the original five men were named in an act of Congress. If a vacancy occurs in the Muscatine Commission they can fill that with the approval of the two State highway commissions.

I understand the other is self-perpetuating. Now, Vicksburg, my understanding of Vicksburg is they had an Act of Congress but before they could go ahead and acquire this bridge under that act the county that Vicksburg is situated in, the supervisors bought that bridge and I don't believe the Department of Commerce enters into that.

The Sabine Causeway, my understanding of their act is all their members are ex officio. They are mayors of one of the two towns it connects.

I can't tell you about this Arkansas, there is no bridge there, as I understand it. I think they have started to construct it.

Senator McNAMARA. We are advised by the staff that checking the record indicates that substantially as you described it.

Did you have any further questions, Senator Hruska?

Senator HRUSKA. I have no further questions, Mr. Chairman.

Senator McNAMARA. Did you submit these two volumes there?

Mr. MORRIS. As exhibits, yes.

Senator McNAMARA. Without objection they will be made part of the record for exhibit only at this point.

(The documents referred to are included as exhibits but not as a part of this record.)

Mr. MORRIS. These audits I was telling you about, what a good audit and thorough they are for an exhibit.

Senator McNAMARA. And marked as an exhibit for the record.

Mr. MORRIS. Yes, please.

Senator McNAMARA. They will be so incorporated in the record.

(The audits referred to are as follows:)

#### CITY OF CLINTON BRIDGE COMMISSION, CLINTON, IOWA

#### REPORT, JUNE 1958, GATEWAY BRIDGE AND LYONS-FULTON BRIDGE

Submitted by W. E. Ellwanger, assistant treasurer

#### AUDITOR'S CERTIFICATE

We have examined the books and records and the transactions for June 1958 of the City of Clinton Bridge Commission, Clinton, Iowa. We believe that the manager's statements hereunder fairly present the financial condition at May 31, 1958, and the results of its operation for the month and for the year to date. Respectfully submitted.

BROOKS, O'CONNOR & BROOKS.  
By RALPH K. BROOKS.

## Balance sheet, June 1958

## ASSETS

Bridge properties :		
New South Bridge-----	\$5,667,182.50	
Lyons-Fulton Bridge-----	1,368,011.98	
		<u>\$7,035,194.48</u>
Operation and maintenance fund :		
Operation cash-----	1,000.00	
City National Bank-----	52,188.65	
		<u>53,188.65</u>
Prepaid toll account : Clinton National Bank, Clinton, Iowa-----		19,387.30
Toll revenue fund : City National Bank, Clinton, Iowa-----		70,693.75
Northern Trust Co., trustee, Chicago, Ill. :		
Reserve account cash-----	\$3,791.37	
Reserve account securities-----	53,223.75	
Interest account of the sinking fund-----	234,985.84	
Sinking fund-----	3,502.07	
Bridge revenue bond reserve-----	70,000.00	
		<u>365,503.03</u>
Total assets-----		<u>7,543,967.21</u>

## LIABILITIES AND SURPLUS

Bridge revenue bonds :		
Series A, dated July 1, 1954, 4 percent----	\$6,800,000.00	
Retired July 1, 1957 to June 21, 1958-----	1,519,000.00	
		<u>\$5,281,000.00</u>
Series B, dated July 1, 1954, 3.85 percent--	900,000.00	
Retired July 1, 1957 to May 21, 1958-----	89,000.00	
		<u>811,000.00</u>
Total bridge revenue bonds-----		6,092,000.00
Prepaid toll reserve-----		19,387.30
Surplus :		
July 1, 1957-----	\$985,675.07	
July 1, 1957 to June 30, 1958,		
bridge revenue-----	\$894,917.50	
Other income-----	373.37	
Interest income-----	1,012.50	
Total-----	896,303.37	
Less :		
Expenses in operation		
and maintenance fund-----	188,884.47	
Interest paid-----	250,214.06	
Bond premium paid-----	10,300.00	
Total-----	449,398.53	
		<u>446,904.84</u>
Surplus June 30, 1958-----		1,432,579.91
Total liabilities and surplus-----		<u>7,543,967.21</u>

REPORT ON CITY OF CLINTON BRIDGE COMMISSION, CLINTON, IOWA, JUNE 30, 1957

BROOKS, O'CONNOR & BROOKS,  
Dubuque, Iowa, July 26, 1957.CITY OF CLINTON BRIDGE COMMISSION,  
Clinton, Iowa.

GENTLEMEN : We have examined the books of account and records of the City of Clinton Bridge Commission, Clinton, Iowa, for the fiscal year ended June 30, 1957. The following exhibits, schedules and comments indicate the scope of our engagement.



## EXHIBITS

- A: Balance sheet at June 30, 1957.
- B: Profit and loss statement, July 1, 1956 through June 30, 1957.
- C: Cash receipts and disbursement statements, July 1, 1956 through June 30, 1957.
- C-1: Toll revenue fund.
- C-2: Operation and maintenance fund.
- C-3: Revenue fund.
- C-4: Reserve account, series B—cash (principal).
- C-5: Reserve account, series B—cash (income).
- C-6: Interest on sinking fund.
- C-7: Sinking fund.
- C-8: Construction fund.
- C-9: Reconstruction fund.
- C-10: Prepaid toll account.

## SCHEDULES

- 1: Analysis of surplus, June 30, 1957.
- 2: Analysis of construction fund expenditures through completion.
- 3: Analysis of bond maturities.
- 4: Comparative traffic summary, 1956-57 and 1955-56.

The City of Clinton Bridge Commission, a public body corporate and politic, was created by an act of Congress approved December 21, 1944, was revived, reenacted, and amended by acts approved April 23, 1946, August 10, 1949, and June 18, 1953. The commission was invested with power and authority to construct, maintain, and operate a bridge or bridges and approaches thereto across the Mississippi River at or near the cities of Clinton, Iowa, and Fulton, Ill., and to purchase, reconstruct, maintain and operate all or any existing bridges for vehicular traffic crossing the Mississippi River at or near the city of Clinton, Iowa, with the right to acquire control of any or all such existing bridges by purchase of stock of any corporation owning any such bridges, or by conveyance from such corporation.

In accordance with the provisions of the trust indenture, dated July 1, 1954, the trustees received and is applying the proceeds of the bond issues, series A for \$6,800,000 and series B for \$900,000 as provided for in the trust indenture. Schedule 2 sets forth the trust agreement provision for new bridge construction, showing amounts paid to date and unexpended balances. The trustee, the Northern Trust Co., Chicago, Ill., holds the balance for the purpose of making payments on the construction cost of the new bridge subject to the provisions of the indenture.

## COMMENTS ON STATEMENTS

*Exhibit A*

The balance sheet at June 30, 1957 reflects your financial condition at that date.

Analysis of surplus is on schedule 1.

*Exhibit B*

The profit-and-loss statement indicates a net income of \$712,461.32. The records are maintained on the cash basis.

Interest income on funds invested and interest expenses on the bonds for the bridges were closed directly to surplus since these items were not operational.

*Exhibit C*

The various cash receipts and disbursement statements present an accounting of all funds for the period under review that are under the commission's control and use.

*Schedule 1*

An analysis of surplus is shown on this schedule and is self-explanatory.

*Schedule 2*

On this schedule the completed costs of the new Gateway Bridge are applied to the various departments under item 15.03 of the trust indenture showing the completed costs and the unexpended balances.

The unexpended balance with interest earned, premium received and the proceeds of series A in excess of requirements has been transferred to the sinking fund.

*Schedule 3*

The various bond principal maturities are listed and as they are redeemed in the future, the schedule will reflect, as it does currently, and also will reflect the future commitments and the balances at the future dates.

*Schedule 4*

Shown here is a comparative statement of type of traffic, volume of crossings, and moneys received for the 1956-57 year versus the 1955-56 year. The detailed analysis shown for the 1956-57 year agrees with book receipts and are deposited to the designated bank account.

## COMMENTS ON VERIFICATION OF ACCOUNTS

The cash transactions for the period were examined by us as stated below.

We made a comprehensive test of the traffic revenue comparing in detail the tollmen's reports to the traffic register and to deposits per books. It was determined that all income was properly accounted for.

We have satisfied ourselves with reference to the proper accounting for all income from the operation of the Lyons-Fulton and Gateway Bridges. During the course of our examination we have test-checked the daily records which consist of impression tapes from the Ohmer traffic register. It is our opinion that the internal control of receipts furnishes a proper safeguard in this respect.

The disbursements for the entire period ending June 30, 1957, were inspected together with receipted invoices and vouchers. This phase of the examination was very thorough and revealed no differences.

The footings of the ledger accounts, cash receipts and disbursements journals, construction fund journal, and individual vouchers were proven for the entire year. The posting from these various sources of original entry were traced in detail and found to have been properly recorded.

We made direct verification of all bank balances and also confirmed the existence of the sinking fund securities, construction fund securities, and reserve account securities in the hands of the trustee.

We traced all entries as specified by the monthly trustee reports from the Northern Trust Co., of Chicago, Ill., and found the request register in agreement. The request register was footed in detail and the postings to the various ledger accounts were sighted.

*General*

The records of the commission have been properly maintained in accordance with the provisions of the trust indenture and are consistent with accepted principles of accounting for this type of organization.

It is our opinion that your present system of accounting requires no major revision after these 3 years of operations.

We wish to thank the management for the cooperation extended to us in the course of our engagement.

*Certificate*

We hereby certify that we have made an examination of the transactions of the City of Clinton Bridge Commission, Clinton, Iowa, for the fiscal year ended June 30, 1957, and that, in our opinion, the statements presented herewith fairly present the financial condition at June 30, 1957, and the result of operations for the period ended at that date.

Respectfully submitted.

BROOKS, O'CONNOR & BROOKS,  
By RALPH K. BROOKS,  
*Certified Public Accountant.*



## EXHIBIT A

*Balance sheet at June 30, 1957*

## ASSETS

Bridge properties:	
Gateway Bridge-----	\$5, 667, 182. 50
Lyons-Fulton Bridge-----	1, 368, 021. 98
Total bridge properties-----	<u>7, 035, 204. 48</u>
Operation and maintenance fund:	
Operating cash-----	1, 000. 00
City National Bank, Clinton, Iowa-----	75, 077. 12
Total operation and maintenance fund-----	<u>76, 077. 12</u>
Prepaid toll account: City National Bank, Clinton, Iowa-----	12, 456. 40
Toll revenue fund: City National Bank, Clinton, Iowa-----	<u>68, 745. 75</u>
Northern Trust Co., Chicago, Ill., trustee:	
Reserve account, cash-----	2, 778. 87
Reserve account, securities-----	53, 223. 75
Sinking fund-----	35, 419. 58
Interest account of the sinking fund-----	<u>213, 225. 52</u>
Total trustee funds-----	<u>304, 647. 72</u>
Total assets-----	<u>7, 497, 131. 47</u>

## LIABILITIES AND SURPLUS

Bridge revenue bonds:	
Series A, dated July 1, 1954, 4 percent-----	6, 800, 000. 00
Retired by transfer to Northern Trust Co.-----	<u>-1, 757, 000. 00</u>
	<u>5, 043, 000. 00</u>
Series B, dated July 1, 1954, 3.85 percent-----	900, 000. 00
Retired by transfer to Northern Trust Co.-----	<u>-44, 000. 00</u>
	<u>856, 000. 00</u>
Total bridge revenue bonds-----	<u>6, 499, 000. 00</u>
Prepaid toll reserve, service liability-----	12, 456. 40
Surplus (see schedule 1)-----	<u>985, 675. 07</u>
Total liabilities-----	<u>7, 497, 131. 47</u>

*Profit and loss statement, July 1, 1956, through June 30, 1957*

Income:	
Bridge revenue-----	\$846, 937. 80
Other income-----	<u>6, 296. 92</u>
Total-----	<u>853, 234. 72</u>
Expenses:	
Administrative:	
Commissioners' per diem-----	\$4, 060. 00
Manager's salary-----	8, 500. 00
Clerical salary-----	2, 989. 00
Consulting engineers-----	4, 450. 00
Auditor fees-----	1, 065. 00
Trustee fees-----	1, 511. 69
Advertising-----	518. 05
Miscellaneous-----	<u>916. 81</u>
Total administrative expenses-----	<u>24, 010. 55</u>

*Profit and loss statement, July 1, 1956, through June 30, 1957—Continued*

## Expenses—Continued

## Operation :

Toll collectors' wages.....	\$48,764.30
Electric service.....	4,608.87
Electric bulbs and equipment.....	1,197.48
Water and heat.....	1,243.75
Telephone and telegraph.....	822.71
Printing, supplies, and postage.....	2,378.70
Travel expense.....	1,675.76
Car expense.....	600.00
Janitor wages.....	477.86
Social security tax.....	1,472.29
Unemployment compensation tax.....	274.85
Use tax.....	146.05
Uniforms.....	1,581.09
Equipment.....	111.90

Total operation expenses.....	65,355.61
Insurance.....	1,994.71
Property taxes.....	14,152.58

## Maintenance :

Maintenance wages.....	9,484.20
Equipment and supplies.....	4,693.16
Truck operating expense.....	1,026.04
Painting materials.....	1,430.00
Repairs.....	18,446.55

Total maintenance expenses.....	35,079.95
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Total expenses.....	\$140,593.40
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Net bridge income to surplus (see schedule 1).....	712,641.32
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## EXHIBIT C-1

*Cash receipts and disbursements statement, July 1, 1956, through June 30, 1957*

## TOLL REVENUE FUND

Balance, July 1, 1956 <sup>1</sup> .....	\$58,751.20
Receipts: Bridge revenue and other income.....	853,234.72

Total for which to account.....	911,985.92
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## Disbursements:

Transferred to operation and maintenance fund.....	165,996.00
Transferred to Northern Trust Co., revenue fund.....	677,244.17

Total disbursements.....	843,240.17
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Balance, June 30, 1957 <sup>2</sup> .....	68,745.75
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<sup>1</sup> Paid to revenue fund.<sup>2</sup> Due to revenue fund.



## EXHIBIT C-2

## OPERATION AND MAINTENANCE FUND

Balance, July 1, 1956	\$49,674.52
Receipts: Transferred from toll-revenue fund	165,996.00
Total for which to account	<u>215,670.52</u>
Disbursements:	
Total administrative expenses	24,010.55
Total operation expenses	65,355.61
Insurance	1,994.71
Property taxes	14,152.58
Total maintenance expenses	35,079.95
Total disbursements	<u>140,593.40</u>
Balance, June 30, 1957	<u>75,077.12</u>

## EXHIBIT C-3

*Cash receipts and disbursements statement July 1, 1956, through June 30, 1957*

## RESERVE FUND

Balance, July 1, 1956	0
Receipts: Transferred from toll-revenue fund	\$677,244.17
Total for which to account	<u>677,244.17</u>
Disbursements:	
Transferred to sinking fund	370,594.13
Transferred to interest account of the sinking fund	306,650.04
Total disbursements	<u>677,244.17</u>
Balance, June 30, 1957	<u>0</u>

## EXHIBIT C-4

*Cash receipts and disbursements statement July 1, 1956, through June 30, 1957*

## RESERVE ACCOUNT (PRINCIPAL)

Balance, July 1, 1956	\$776.25
No receipts and no disbursements	0
Balance, June 30, 1957	<u>776.25</u>

## EXHIBIT C-5

*Cash receipts and disbursements statement July 1, 1956, through June 30, 1957*

## RESERVE ACCOUNT (INCOME)

Balance, July 1, 1956	\$990.12
Receipts: Interest income on securities	1,012.50
Balance, June 30, 1957	<u>2,002.62</u>
Reserve account (principal)	776.25
Reserve account (income)	<u>2,002.62</u>
Total reserve account, bank, exhibit A	<u>2,778.87</u>

## EXHIBIT C-6

*Cash receipts and disbursements statement, July 1, 1956, through June 30, 1957*

## INTEREST ACCOUNT OF THE SINKING FUND

Balance, July 1, 1956-----	\$213, 225. 48
Receipts: Transferred from revenue fund-----	306, 650. 04
Total for which to account-----	419, 875. 52
Disbursements: Interest on bridge revenue bonds due for 1-year ended June 30, 1957-----	306, 650. 00
Balance, June 30, 1957-----	213, 225. 52

## EXHIBIT C-7

*Cash receipts and disbursements statement, July 1, 1956, through June 30, 1957*

## SINKING FUND

Balance, July 1, 1956-----	\$31, 601. 57
Receipts:	
Transferred from revenue fund-----	370, 594. 13
Sale of securities-----	2, 615, 000. 00
Transferred from construction fund-----	440, 173. 10
Total receipts-----	3, 425, 767. 23
Total-----	3, 457, 368. 80
Disbursements:	
Purchase of securities-----	2, 160, 899. 22
Bonds retired-----	1, 201, 000. 00
Premiums paid on bonds retired-----	60, 050. 00
Total disbursements-----	3, 421, 949. 22
Balance, June 30, 1957-----	35, 419. 58

## EXHIBIT C-8

*Cash receipts and disbursements statement, July 1, 1956, through June 30, 1957*

## CONSTRUCTION FUND

Balance, July 1, 1956-----	\$614, 319. 11
Receipts: U. S. Government bonds, matured-----	1, 549, 980. 83
Total for which to account-----	2, 164, 299. 94
Disbursements:	
U. S. Government bonds, cost-----	1, 041, 728. 83
Requests on construction paid <sup>1</sup> -----	682, 398. 01
Transferred to sinking fund-----	440, 173. 10
Total disbursements-----	2, 164, 299. 94
Balance, June 30, 1957-----	0
<sup>1</sup> Requests paid:	
Item 15.03:	
Pars. 1 and 2-----	\$4, 704, 430. 49
Par. 3-----	248, 627. 63
Par. 4-----	275, 000. 00
Par. 5-----	73, 804. 29
Par. 6-----	17, 804. 84
Par. 7-----	15, 646. 86
Par. 8-----	170, 000. 00
Par. 9-----	0
Par. 10-----	161, 868. 39
Total requests paid-----	5, 667, 182. 05



## EXHIBIT C-9

*Cash receipts and disbursements statement, July 1, 1956, through June 30, 1957*

RECONSTRUCTION FUND	
Balance, July 1, 1956	\$9,540.00
No receipts	
Disbursements:	
Payment to Fred R. McKenzie & Co. in accordance with request 3-A for additional pier protection for pier 2, west main pier of the Lyons-Fulton Bridge	9,540.00
Balance, June 30, 1957	0

## EXHIBIT C-10

*Cash receipts and disbursements statement, July 1, 1956, through June 30, 1957*

PREPAID TOLL ACCOUNT	
Balance, July 1, 1956	\$6,260.60
Receipts: Sale of toll books	147,751.34
Total for which to account	154,011.94
Disbursements:	
Transferred to toll revenue fund to cover toll slips recovered	141,434.05
Refunds on slips returned	117.00
Imprinted check charge	4.49
Total disbursements	141,555.54
Balance, June 30, 1957	12,456.40

## SCHEDULE 1

*Analysis of surplus, June 30, 1957*

Balance, July 1, 1956		\$595,131.41
Add net bridge income, exhibit B	\$712,641.32	
Interest income:		
Reserve account	\$1,012.50	
Sinking fund	18,890.84	
Construction fund	11,437.00	
	31,340.34	
Received from Fidelity & Deposit Company of Maryland pier protection default	13,262.00	
Total additions		757,243.66
Total		1,352,375.07
Deduct:		
Interest on bonds:		
Series A	\$272,000.00	
Series B	34,650.00	
	\$306,650.00	
Premium on bonds:		
Series A	57,850.00	
Series B	2,200.00	
	60,050.00	
Total deductions		366,700.00
Balance, June 30, 1957		985,675.07

## SCHEDULE 2

*Analysis of construction fund cash expenditures through completion*

	Adjusted trust agree- ment dated July 1, 1954	Completed cost of construction	Unused balance
Item 15.03 Trust indenture:			
Paragraphs 1 and 2.....	\$4,966,000.00	\$4,704,430.49	\$261,569.51
Paragraph 3.....	248,627.63	248,627.63	0
Paragraph 4.....	275,000.00	275,000.00	0
Paragraph 5.....	125,000.00	73,804.29	51,195.71
Paragraph 6.....	30,000.00	17,804.84	12,195.16
Paragraph 7.....	41,000.00	15,646.86	25,353.14
Paragraph 8.....	170,000.00	170,000.00	0
Paragraph 9.....	0	0	0
Paragraph 10.....	173,372.37	161,868.39	11,503.98
Total.....	6,029,000.00	5,667,182.50	361,817.50
Funds transferred to construction fund after July 1, 1954:			
Interest on U. S. Government bonds.....		77,481.02	-----
Premium on series A bonds.....		541.25	-----
Proceeds of series A bonds in excess of requirements.....		333.33	78,355.60
Total construction fund cash.....			440,173.10
Transferred to sinking fund.....			440,173.10
Construction fund balance at June 30, 1957.....			0

## SCHEDULE 3

*Analysis of bond maturities*

Bond Nos.	Maturity dates	Principal amount	Bond Nos.	Maturity dates	Principal amount
Series A, 4 percent, dated July 1, 1954:			Series B, 3.85 percent, dated July 1, 1954:		
1 to 70.....	July 1, 1959	\$70,000	1 to 10.....	July 1, 1959	\$10,000
71 to 150.....	July 1, 1960	80,000	11 to 20.....	July 1, 1960	10,000
151 to 245.....	July 1, 1961	95,000	21 to 35.....	July 1, 1961	15,000
246 to 360.....	July 1, 1962	115,000	36 to 50.....	July 1, 1962	15,000
361 to 490.....	July 1, 1963	130,000	51 to 70.....	July 1, 1963	20,000
491 to 640.....	July 1, 1964	150,000	71 to 90.....	July 1, 1964	20,000
641 to 805.....	July 1, 1965	165,000	91 to 115.....	July 1, 1965	25,000
806 to 980.....	July 1, 1966	175,000	116 to 140.....	July 1, 1966	25,000
981 to 1160.....	July 1, 1967	180,000	141 to 170.....	July 1, 1967	30,000
1161 to 1350.....	July 1, 1968	190,000	171 to 200.....	July 1, 1968	30,000
1351 to 1550.....	July 1, 1969	200,000	201 to 240.....	July 1, 1969	40,000
1551 to 1750.....	July 1, 1970	200,000	241 to 280.....	July 1, 1970	40,000
1751 to 1950.....	July 1, 1971	200,000	281 to 330.....	July 1, 1971	50,000
1951 to 2150.....	July 1, 1972	200,000	331 to 380.....	July 1, 1972	50,000
2151 to 2350.....	July 1, 1973	200,000	381 to 430.....	July 1, 1973	50,000
2351 to 2550.....	July 1, 1974	200,000	431 to 490.....	July 1, 1974	60,000
2551 to 2800.....	July 1, 1975	250,000	491 to 550.....	July 1, 1975	60,000
2801 to 3150.....	July 1, 1976	350,000	551 to 610.....	July 1, 1976	60,000
3151 to 3550.....	July 1, 1977	400,000	611 to 680.....	July 1, 1977	70,000
3551 to 4000.....	July 1, 1978	450,000	681 to 750.....	July 1, 1978	70,000
4001 to 6800, less 1,157 bonds redeemed.....	July 1, 1979	1,643,000	751 to 900, less 44 bonds redeemed.....	July 1, 1979	106,000
Total series A bonds out- standing.....		5,643,000	Total series B bonds out- standing.....		856,000



## SCHEDULE 4

*Comparative traffic summary, 1956-57 and 1955-56*

Type of vehicle	1956-57		1955-56	
	Number of crossings	Revenue	Number of crossings	Revenue
Automobiles:				
Car and passengers..... \$0.20	2,000,657	\$400,131.40	1,786,876	\$357,375.20
1-axle trailer..... .10	11,838	1,183.80	9,580	958.00
2-axle trailer..... .20	1,544	308.80	1,480	296.00
House trailer..... .50	4,179	2,089.50	3,055	1,527.50
Total automobiles.....	2,018,218	403,713.50	1,800,991	360,156.70
Trucks:				
2-axle, 4-tire..... \$0.20	98,130	19,626.00	95,007	19,001.40
2-axle, 6-tire..... .50	74,925	37,462.50	76,843	38,421.50
3-axle..... 1.00	60,085	60,085.00	62,818	62,818.00
4-axle..... 1.25	174,538	218,172.50	167,843	209,803.75
5-axle..... 1.50	66,692	100,038.00	48,734	73,101.00
Total trucks.....	474,370	435,384.00	451,245	403,145.65
Passenger bus..... \$1.00	6,269	6,269.00	5,574	5,574.00
Motorcycles..... .10	2,978	297.80	2,262	226.20
Government..... Free	1,142	0	1,170	0
Passes..... Free	9,970	0	10,467	0
Total vehicle.....	2,512,947	845,664.30	2,271,709	769,102.55
Pedestrians and bicycles..... \$0.05	5,744	287.20	10,289	514.45
Total all crossings.....	2,518,691	845,951.50	2,281,998	769,617.00
Add:				
Collectors' cash over.....		1,812.25		1,436.65
Less cash short.....		825.95		481.35
Net overage.....		986.30		955.30
Total bridge revenues.....		846,937.80		770,572.30

## IMPORTANT—NOTICE TO BONDHOLDERS

The Northern Trust Co., trustee, Chicago, Ill., has, in accordance with the trust agreement, set aside sufficient funds from current revenues to cover the payment of \$70,000 of bonds of series A and B which will become due on July 1, 1959. Holders of bonds for this maturity who would prefer to sell any or all of their bonds prior to July 1, 1959, are advised to direct their offers to the Northern Trust Co.

There has been turned over to the trustee the sum of \$70,693.75 representing the revenue fund deposit for the month of June 1958. Of this amount approximately \$40,000 is expected to be available on the 15th of July 1958 for the purchase, redemption, or payment of bonds in accordance with the trust agreement. Bondholders who desire to sell bonds to the sinking fund should direct their offers to the Northern Trust Co., trustee, Chicago, Ill.

CLINTON BRIDGE COMMISSION,  
Post Office Box 564, Clinton, Iowa.

*Report for bondholders*

JUNE 1957

	June 1957 1-way vehicles	June 1957 revenue	Fiscal year to date	
			1-way vehicles	12 months' revenue
Total car revenue.....	203, 478	\$40, 658. 90	2, 018, 218	\$403, 713. 50
Total truck revenue.....	39, 403	36, 400. 05	474, 370	435, 384. 00
Other traffic and income.....	1, 839	5, 519. 80	20, 359	14, 137. 22
Total.....	244, 720	82, 578. 75	2, 512, 947	853, 234. 72
Transferred to operation and maintenance fund.....		13, 833. 00		165, 996. 72
Toll revenue fund transferred to the Northern Trust Co.....		68, 745. 75		687, 238. 00
Total.....		82, 578. 75		853, 234. 72

JUNE 1958

	June 1958 1-way vehicles	June 1958 revenue	Fiscal year to date	
			1-way vehicles	12 months' revenue
Total car revenue.....	199, 222	\$39, 746. 60	2, 052, 309	\$409, 923. 30
Total truck revenue.....	44, 639	44, 118. 25	502, 143	477, 145. 55
Other traffic and income.....	1, 842	661. 90	20, 253	8, 222. 02
Total.....	245, 703	84, 526. 75	2, 574, 705	895, 290. 87
Transferred to operation and maintenance fund.....		13, 833. 00		165, 996. 00
Toll revenue fund transferred to the Northern Trust Co.....		70, 693. 75		729, 294. 87
Total.....		84, 526. 75		895, 290. 87

*Sale of series B bonds and purchase of the Lyons and Fulton Bridge, July 1, 1957*

## RECEIPTS

Bridge revenue bonds series B.....	\$900, 000. 00	
Accrued interest on series B bonds.....	10, 683. 75	
Premium on series B bonds.....	2, 801. 00	
		\$913, 484. 75
From interest account of the sinking fund toward purchase of Lyons-Fulton Bridge.....		460, 133. 56
From Fidelity & Deposit Co. due to default of the Mississippi River Construction Co. (E. R. Barnewoldt).....		13, 262. 00
Total.....		1, 386, 880. 31

## DISBURSEMENTS

Purchase price of Lyons-Fulton Bridge.....	1, 275, 000. 00
Allied Structural Steel Co., pier bent strengthening.....	15, 460. 00
Fred R. McKenzie & Co., pier protection on west main pier.....	22, 802. 00
Expenses in connection with the acquisition of the Lyons and Fulton Bridge, Clinton National Bank, Clinton, Iowa:	
A. C. Allyn & Co., fiscal agent fee.....	\$1, 737. 00
Iowa State Highway Commission, checking bridge plans.....	27. 98
Chapman & Cutler, legal services.....	1, 593. 47
Columbian Bank Note Co., printing bonds.....	383. 26
Northern Trust Co., trustee's fees.....	1, 020. 02
Lincoln Printing Co., printing indenture.....	493. 64

*Sale of series B bonds and purchase of the Lyons and Fulton Bridge,  
July 1, 1957—Continued*

## DISBURSEMENTS—continued

Clinton Typewriter Co., chairs for office.....	\$155. 46
Allen Printing Co., cabinets and adding machine.....	544. 16
T. I. McLane, office desks and wastebaskets.....	357. 82
Royal Typewriter Co., typewriter for office.....	197. 10
Johnson Photographers, 12 prints of permit.....	12. 24
Holleran & Holleran, legal fees.....	35,000. 00
Holleran & Holleran, legal expense.....	389. 82
E. R. Cooke, photostats.....	20. 00
Modjeski and Masters, engineering fees.....	7,500. 00
Mr. Fred White, engineering fees and expense.....	5,328. 01
Total expense.....	<sup>1</sup> \$54,759. 98
Total disbursements.....	1,368,021. 98
Accrued interest transferred to interest account of the sinking fund.....	10,683. 75
Unexpended balance in Clinton National Bank for expenses in connection with the acquisition of the Lyons-Fulton Bridge transferred to the sinking fund.....	<sup>1</sup> 8,174. 58
Total disbursements and transfers.....	1,386,880. 31

<sup>1</sup> The Northern Trust Company of Chicago, Ill., transferred the sum of \$62,934.56 to the Clinton National Bank of Clinton, Iowa, to pay expenses in connection with the acquisition of the Lyons-Fulton Bridge. These expenses as itemized above amounted to \$54,759.98 and the unexpended balance of \$8,174.58 in this account was transferred from the Clinton National Bank to the Northern Trust Co. sinking fund.

Prepared by W. E. Ellwanger, manager, City of Clinton Bridge Commission, Post Office Box 564, Clinton, Iowa.

*Final cost of construction, Gateway Bridge, May 1, 1957*

## Initial expense:

Cost of acquisition of old South Bridge from Clinton and Illinois Bridge Co.....	\$275,000. 00
A. C. Allyn & Co., fiscal agent fee and standby guaranty bid..	170,000. 00
Chapman & Cutler, legal fees.....	15,163. 67
Columbia Bank Note Co., printing bonds.....	1,725. 80
Lincoln Printing Co., printing trust indenture.....	2,384. 61
Commission per diems and expense, 1945-54.....	22,415. 76
Office rent, 1945-54.....	3,540. 00
Traffic surveys.....	24,913. 25
Clerical expense.....	816. 15

Total.....	515,959. 24
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## Contracts:

Contract No. 1—Earthwork, John P. Abramson Construction Co., Des Moines, Iowa.....	125,162. 26
Contract No. 2—Bridge substructure, McCarthy Improvement Co., Davenport, Iowa.....	1,252,139. 84
Contract No. 3—Bridge superstructure, Allied Structural Steel Co., Clinton, Iowa.....	2,653,226. 73
Contract No. 4—Approach paving, Central Engineering Co., Davenport, Iowa.....	333,710. 08
Contract No. 5—Toll house and administration buildings, Ringland-Johnson Construction Co., Clinton, Iowa.....	109,192. 00
Contract No. 6—Electrical wiring and equipment, Aldridge Electric, Lake Forest, Ill.....	25,813. 00
Contract No. 7—Illinois approach overpasses, McCarthy Improvement Co., Davenport, Iowa.....	187,774. 33

Total.....	4,687,018. 24
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*Final cost of construction, Gateway Bridge, May 1, 1957—Continued*

Fees and expense:	
Trustee: Northern Trust Co., Chicago, Ill.....	\$7,080.00
Attorneys:	
Holleran & Holleran, Clinton, Iowa.....	\$51,698.62
L. L. Jurgemeyer, Clinton, Iowa.....	175.00
Bull, Luddens & Potter, Morrison, Ill.....	996.59
	52,870.21
Engineers: Modjeski & Masters, Harrisburg, Pa.....	223,714.38
Total.....	283,664.59
Buildings and equipment:	
Mosler Safe Co., cash drawers.....	297.00
Rockwell Manufacturing Co., toll collection equipment.....	12,558.37
International Bronze Tablet Co., tablets.....	720.00
Zirkelbach, air conditioner.....	866.21
Eagle Signal Co., traffic lights, Clinton, Iowa.....	2,937.65
Eagle Signal Co., traffic lights, toll house.....	250.00
Electric service of Clinton, install blinker light.....	164.04
Interstate Power Co., traffic lights.....	257.81
Allen Printing Co., inter-com system.....	206.54
Stewart Krause, fire-fighting equipment.....	769.71
Bickelhaupt Motor Co., I. H. truck, plow, and spreader.....	7,098.85
Furniture and office equipment.....	2,452.48
Office supplies, forms, and stationery.....	1,114.75
Power Tools, Inc., Brushking.....	258.90
Gateway Nursery, landscaping.....	1,177.45
Total.....	31,129.76
Payments to railroads for crossings:	
Chicago Northwestern.....	6,275.14
Chicago, Burlington & Quincy.....	361.01
Chicago, Milwaukee, St. Paul & Pacific.....	11,809.88
	18,446.03
Right-of-way and borrow pit.....	73,163.10
Total.....	91,609.13
Miscellaneous:	
Opening day expense, advertising, and printing.....	3,199.98
Iowa State Highway Commission, linseed oil application.....	1,055.72
Whiteside County treasurer (Ill.):	
Taxes on Old South Bridge.....	1,542.32
Taxes based on assessment on Gateway Bridge, April 1, 1956.....	12,435.20
Insurance, Gateway Bridge.....	22,156.07
Riprap at Toll Plaza, Fred R. McKenzie & Co.....	17,412.25
Total.....	57,801.54
Grand total.....	5,667,182.50

Prepared by W. E. Ellwanger, manager, City of Clinton Bridge Commission, post office box 564, Clinton, Iowa.

Senator McNAMARA. Thank you very much, sir.

Mr. MORRIS. Thank you very much.

Senator McNAMARA. We would be glad to hear now from Congressman Fred Schwengel, of Iowa.

# STATEMENT OF HON. FRED SCHWENGEL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF IOWA

Mr. SCHWENGEL. Mr. Chairman and members of this distinguished subcommittee, it has been my duty to examine S. 3107 and to study its provisions carefully. It was my privilege to introduce the bill

(H. R. 11010, 2d sess. of the 84th Cong.) which authorized the Muscatine Bridge Commission. These gentlemen are vitally concerned about the language of this bill, and well they should be. Let me say at the outset that I fully agree with the provision which calls for an annual audit. This is good public policy. It is section 2 of this bill which demands attention.

If section 2 of S. 3017 is permitted to remain in the legislation and the bill is enacted into law, for all practical purposes, the Muscatine Bridge Commission will be inoperative. Section 2 provides that the present commissioners should be removed 90 days after the date of enactment, and then goes on to state:

\* \* \* the governors of the States concerned shall thereafter jointly appoint not more than one-third of the members of such bridge commission or authority for a term of 2 years, \* \* \*

And so forth.

This objection springs from a recommendation by the President in commenting on H. R. 11010 that there should be a system for regularizing the appointment of these members. I agree with that. The members of the Muscatine Bridge Commission are in agreement. However, we see no reason why the Department of Commerce should depart from its historic function of filling these appointments.

The new provision would put this matter in the hands of the governors of the States. It is expected that an agreement could be reached between them. It is reasonable to assume that the heads of our respective Commonwealths could reach agreement on appointments of this kind, but in its practical operation, all of us know that there are many roadblocks. Most important of all, as I see it, what happens if there is an impasse? There is no alternate provision for making the appointments. They just wouldn't be made and the effectiveness of the bridge commission would be impaired.

For a good number of years, these appointments have been made by the Department of Commerce. Since there is only a limited number, it imposes no great burden. I have found that there are only four such commissions which are active. This would mean that some four appointments would have to be made each year. In emergencies, a few more would be involved. By keeping these determinations within the Department of Commerce, they are relatively free of politics and petty bickering. The mechanics for making them and keeping the membership intact are there. A regular system, which experience has proved successful, already exists. All we have to do is make use of it. There is no good reason to saddle the chief executives of the States with this added responsibility, which in most instances would not be familiar to them.

Furthermore, if this bill is passed, I am not so sure that Congress has the right to direct the governors of the several States to make appointments of this kind. These bridge commissions are created by acts of Congress. The regulation of them belongs with the Federal agencies, not with the governors of the States who are asked to act jointly.

It would appear that someone has been misguided in making this recommendation. Apparently the feeling existed that the operation of a great number of bridge commissions would burden the Department of Commerce and its Bureau of Public Roads with details which



could be better handled elsewhere. There are not a great number of bridge commissions and the appointments are in direct ratio to the number.

I respectfully urge that this subcommittee give careful consideration to the objections which have been raised about section 2 of S. 3107. In so doing, I am confident that good judgment will prevail and that the subcommittee will see fit to delete the language with respect to filling the appointments to the bridge commissions, or at least specifically emphasize that this is a function of the Department of Commerce. Thank you for your consideration.

Senator McNAMARA. Mr. Charles Rehwaldt, chairman of the Muscatine Bridge Commission. We will be glad to hear from you, sir. I see you have a prepared statement.

**STATEMENT OF CHARLES A. REHWALDT, VICE CHAIRMAN,  
MUSCATINE BRIDGE COMMISSION, MUSCATINE, IOWA**

Mr. REHWALDT. Yes, sir. If it is all right with the committee, I will file it with the committee.

Senator McNAMARA. All right, sir; it will be printed in the record at this point without objection, and you may proceed in your own manner.

(The complete statement is as follows:)

**STATEMENT OF CHARLES A. REHWALDT, VICE CHAIRMAN, MUSCATINE BRIDGE  
COMMISSION, MUSCATINE, IOWA**

I am Charles A. Rehwaldt, a resident of Muscatine, Iowa, and vice chairman of the Muscatine Bridge Commission, which was created by act of Congress, 2d session, 84th Congress, 1956, known as Public Law 811. I appear before your committee on authority of the Muscatine Bridge Commission, L. R. McKee, chairman, to voice objections to bill S. 3107 now being considered by your committee.

The Muscatine Bridge Commission acquired by purchase on January 2, 1958, the present 66-year-old bridge over the Mississippi River at Muscatine, Iowa. Operations since that date have been satisfactory and encouraging, and we have every reason to believe in due time we shall reach our objective, which is the construction of a new bridge to replace the present outdated structure.

**1. AUDIT PROVISIONS**

Bill S. 3107 provides for annual audit of records, books, and accounts of the commission by some independent certified public accountant. The Muscatine Bridge Commission has no objections to this part of the bill; on the other hand, we are in full agreement. Our books, records, and accounts are now in the process of being audited by a certified public accountant for the 5-month period, January 2, 1958, to June 1, 1958. A report of this audit will not be available until about July 15, 1958.

The Muscatine Bridge Commission opposes that section of S. 3107 which provides that "the governor of either State concerned is authorized to provide for the conduct of further audit—if the audit report submitted under subsection (b) is not satisfactory to said governor." We oppose for the following reasons:

(a) This provision could result in the expense of three (3) individual audits—a wasteful procedure.

(b) We do not believe the governors of States, which are connected by interstate bridges, should have anything to do with audits of the books and records of bridge commissions created by act of Congress.

The Muscatine Bridge Commission again reiterates that it heartily endorses a full and complete annual audit of its books, records, reports, and files by certified competent authority, by the General Accounting Office, or by any C. P. A. designated by it. The cost of such audit would be borne by the Muscatine Bridge Commission.



## 2. TERMINATION OF TERMS OF PRESENT BRIDGE COMMISSION MEMBERS AND APPOINTMENT OF COMMISSION MEMBERS

Section 2 of Senate bill S. 3107 provides that present commissioners should be removed 90 days after the date of enactment, and further provides as follows: "The Governors of the States concerned shall thereafter jointly appoint not more than one-third of the members of such bridge commission or authority for a term of two years," etc.

The Muscatine Bridge Commission desires to have it firmly understood that it has no quarrel or disagreement with the present Governors of Iowa or Illinois. We do believe that this provision is potentially dangerous as it will very likely in the not too distant future bring the commission into politics. The Muscatine Bridge Commission at the present time is composed of five resident commissioners and representatives of the Iowa State Highway Commission and Illinois Division of Highways who have only one aim and that is the construction of a new bridge at Muscatine, which is sadly needed to replace the present structure now almost 70 years old. We now have no political pressures and are able to devote our full faculties to paying off our indebtedness on the present bridge and planning, financing, and constructing a new interstate bridge. Gentlemen, Congress in its wisdom has created these bridge commissions because it recognizes that a job must be done in order to connect States separated by large difficult rivers such as the Mississippi. We ask that we be allowed to proceed with our business unfettered by State or local politics.

The executive department of the Government stated in 1956 as follows: "The construction and operation of interstate bridges traditionally has been a State rather than Federal responsibility." This is not true as far as the State of Iowa is concerned. We know of no case where the State of Iowa has accepted any responsibility for the construction of a new bridge across the Mississippi River. Traditionally, in Iowa, the interstate bridge problem has been solved through the efforts of local groups most often operating as bridge commissions created by Congress. The Julien-Dubuque Bridge at Dubuque, Iowa, was so constructed and when paid for was given to the States of Iowa and Illinois. The Clinton Bridge Commission has built the new Gateway Bridge which is carrying thousands of vehicles daily across the continent on U. S. 30. Congress can well be proud of the striking accomplishments of the Dubuque and Clinton Bridge Commissions.

The traffic carried across the Mississippi River is 100 percent interstate commerce. We strongly urge that Congress direct the Bureau of Public Roads through the Secretary of Commerce to make appointments of members to the bridge commissions. We wish to emphasize that the Muscatine Bridge Commission bill as originally introduced in Congress provided for this method of appointment. The Department of Commerce objected to this provision and suggested that in case of a vacancy that the remaining commissioners fill the vacancy by appointment. Truthfully, we did not like this provision and still do not like it. However, we had either to accept it or be subject to the opposition of the Department of Commerce in getting our bill enacted. Surely it cannot be a terrific burden for the Department to make 1 appointment to 4 bridge commissions each year, to accept an oath of office from such appointee, and to dissolve the bridge commission when its work is completed.

In closing I should like to point to a very serious objection to the bill now before you. It provides in section 2 "the Governors of the States concerned shall thereafter jointly appoint," etc. It is believed that such a law is totally unenforceable. In a situation such as this Congress cannot make, and the courts will not order, either or both of the governors concerned to perform the duty thrust upon them by this proposed bill. Surely Congress does not want to place itself in such a helpless position nor does it, we are sure, want to place the bridge commissions it has created in a position which would become chaotic and result in ultimately defeating the very purpose for which these commissions were established.

Gentlemen, we fervently request that you reject section 2 of Senate bill 3107; that you will direct the Department of Commerce or its Bureau of Public Roads to appoint the members of the various bridge commissions in question, including the Muscatine Bridge Commission. When the President signed the Muscatine bridge bill he recommended that Congress give consideration to the enactment of general legislation which would provide for an annual audit and would include regularized provisions fixing conditions for filling commission vacancies. We fully agree with the annual audit recommendation, and also ask that you

enact directive general legislation including regularized provisions fixing conditions for filling commission vacancies by the Department of Commerce.

Mr. REHWALDT. Thank you, Mr. Chairman.

I am Charles Rehwaldt, representing the Muscatine Bridge Commission, and the vice chairman of the commission. Accompanying me is Mr. George Walter, who is also one of the Commissioners.

I would like to say at the outset, Mr. Chairman, that the Muscatine Bridge Commission heartily endorses the mandatory audit. We are in the process of auditing our books. That was under our own volition. We believe the mandatory audit is correct, however, with responsibility to some branch of the Government, the General Accounting Office, or anyone they might designate. However, we do not like the provision which provides that the governor of either State may again call for another audit. This gets us into the expense of the multiplicity of three audits a year, and it is a little ridiculous, we believe.

We do believe in the annual audit idea. I think maybe to clear the situation a little bit with respect to Muscatine and these remarks on the part of some of these other bridge commissions, I would like to point out that our bridge situation in Muscatine is very acute. We have an old structure almost 70 years old. It isn't going to last forever. We are going to have to replace it. We could not do anything on State or local level, and we came to Congress in 1955 asking the creation of the Muscatine Bridge Commission.

The Department of Commerce entered quite a few objections to the bill. We were able to satisfy the Department of Commerce with respect to all the objections except one, and that is that they objected to making the appointments of the members to these bridge commissions. They just would not hear of it. I am not criticizing them for it. I am merely stating a matter of fact.

After many days of conference with them, the then, I think, Chief Attorney for the United States Department of Roads suggested that the present language in our bill be written into the bill. We did not suggest and did not like it and still don't. It provides in the case of a vacancy the remaining four members by a majority vote will appoint the successor. In case the majority of the remaining commission cannot agree, then a member of the Iowa State Highway Commission shall make the appointments.

Gentlemen, we personally accepted this section of our present law in order to, how shall I say it nicely, in order to eliminate any further objection from the Department of Commerce.

We firmly believe, as a result, when the bill was passed by Congress and it came before the President for signature he released a statement through Mr. Hagerty on July 26, 1956, in which he pointed out two salient things, the first one being that he believed that there should be a provision from the annual audit by competent authority which we thoroughly agree with. And No. 2, he suggested regularized provisions, fixing provisions, for filling commission vacancies.

It is obvious our system was different from Clinton's and there is difference from other commissions, and it needed to be regularized.

According to the statement of the Department of Commerce, this present S. 3107 has been suggested to satisfy the recommendations of the President in 1956. And they have come up with this provision having the two governors jointly make appointments.



Now, gentlemen, I think it goes without saying that you are going to have two governors involved that can be at odds. We are going to be horribly embroiled, the commission, not ourselves personally, at the State, local, city and county level, which is not desirable.

Furthermore, it would put Congress in a rather embarrassing position, I should think, should the governors get into an argument over these things.

We believe definitely in a regularized provision for making appointments. In view of the fact that these bridges are 100 percent interstate in nature, serves the United States highways, others serve highways that are partially financed and built by United States funds, they are 100 percent interstate in nature, that belongs to the Government, preferably in the Bureau of Public Roads. We will have nothing but regularized chaos, I say, the city of Muscatine as well as many other bridge commissions. That is one thing that is undesirable.

No. 2, and I stand to be corrected on it, but so far I have found no authority in constitutional law to argue the point, if Congress passes this law and assumes the governor of, in our case, Illinois or Iowa, there is no way that Congress can make or can order that governor to make this appointment. I think Congress has no power, and the courts have no power to order him to make an appointment in this case. It would put Congress in a very peculiar situation. They would expect the commission to do a certain job and then you would have some governor off somewhere saying, I am not talking about a present governor, I am talking about the future, "I don't like this and I am not going to make an appointment," and, consequently, your hands are tied and the result would be the ruination of these bridge commissions which were created to do a specific job that needed doing.

There is one other thing I would like to comment on. The statement was made this afternoon, and I think in good faith, that traditionally these interstate bridges have been built by local governments, State governments. That is not true in the case of Iowa. I am sure there has never been a bridge built, an interstate bridge built, that Iowa has had any connection with as far as the State of Iowa is concerned. Traditionally, these bridge problems have been solved by local groups, very frequently by the bridge commissions created by the Congress. The State of Iowa has traditionally refused to do anything to help in the construction of these interstate bridges.

We have our local problem. We came to Congress to give us a means by which we could solve our local problem on these interstate bridges, and whoever would be members of these bridge commissions, but in many hours they are on the spot, situations occur, they are immediately available to take the necessary steps, and believe me, gentlemen, those things occur all the time.

I think that is all. Thank you, very kindly, Mr. Chairman.

Senator McNAMARA. Thank you.

Is there any comment or questions?

Senator HRUSKA. Mr. Rehwaldt, it was suggested a little earlier that Congress would be very embarrassed if one of the governors refused to accept this assignment of appointing a commission. I have an idea Congress would not be too concerned about it. But what about the bridge commission itself. With this provision in the bill, which says that the terms of the present commissioners shall terminate 90 days



after the enactment of this act, and if there is no action taken there probably wouldn't be any commission to be embarrassed, would there?

Mr. REHWALDT. No; except, Senator, people would be running to Washington, saying, "What are you going to do about the Muscatine, Clinton Bridge Commission?" I think it is a bad law. It is unenforceable.

Senator HRUSKA. You have certainly—

Mr. REHWALDT. The governors shall jointly point. If they refuse, how can you force them to? You cannot, as a matter of constitutional law, enforce the act, as it is unenforceable.

Senator HRUSKA. I might observe at this point, Mr. Chairman, that the witness has brought out some uncertainties in the bill which had better be explained in some way before it would get into a practicable or working state.

Senator McNAMARA. I am sure, when we get to making recommendations to the full committee, we will have to give full consideration to this phase that you bring up. Is that all, Senator Hruska?

Senator HRUSKA. That is all I have, Mr. Chairman.

Senator McNAMARA. Thank you very much.

Mr. REHWALDT. Thank you, Mr. Chairman.

Senator McNAMARA. That seems to conclude our hearings.

Mr. HALLORAN. Mr. Chairman, could I say a word? I am Paul Halloran, of the bridge commission. Could I say one word with reference to the point that was just brought out?

Senator McNAMARA. Yes, sir. Will you state your name again for the record?

Mr. HALLORAN. Paul Halloran, from Clinton, Iowa.

In reference to that phase about the governor's appointment, the bill provides that the term of the present commissioners shall expire 90 days from date. In other words, you are wiping out a commission that has been in existence and men that are familiar with the operation of the bridges, and you might put in a whole new crew that know nothing about the operation of a bridge. It would be similar to saying to the Riggs National Bank in Washington, "We are going to wipe out your board of directors and all of your officers, and we are going to put in people that are not familiar with the operation of a bank," and it might be chaos as far as the Riggs National Bank is concerned the same as it would be chaos to the Clinton Bridge Commission, Mr. Chairman.

Senator McNAMARA. Thank you.

We have some communications here, one from the Comptroller General of the United States; one from the Department of the Army; and from the Executive Office of the President, Bureau of the Budget; and one from the General Counsel of Commerce, Washington, D. C., that will be made part of the record at this point.

(The communications referred to are as follows:)

COMPTROLLER GENERAL OF THE UNITED STATES,  
March 5, 1958.

HON. DENNIS CHAVEZ,  
Chairman, Committee on Public Works,  
United States Senate.

DEAR MR. CHAIRMAN: Reference is made to your letter dated January 28, 1958, acknowledged January 29, enclosing a copy of S. 3107, 85th Congress, 2d session, and requesting our comments on the merits of the bill and the propriety of its passage.

S. 3107 would establish standard procedures for an annual audit of the various bridge commissions and authorities created by act of Congress and authorized to construct or acquire an interstate bridge. In addition, it would establish uniform terms of office for members of such commissions and authorities, provide for the transfer of functions and property to State agencies, and authorize State law-enforcement officers to enforce all provisions of the various acts of Congress creating bridge commissions and authorities.

The interstate bridge commissions and authorities which have been created by acts of Congress are quasi-public bodies, rather than true Federal instrumentalities, in which the Federal Government has no financial or proprietary interest. While it is our opinion that proper administration of such bodies should primarily be a matter of concern to the State involved, we also believe that the Federal Government, having created these bodies, has a continuing responsibility to insure such administration. The failure of present legislation to provide adequate procedures under which the operations of these bodies would be subject to periodic review by either Federal or State Government, as well as the necessity for such review, was clearly established by the results of a special audit of the White County Bridge Commission which was conducted by this Office at the request of a select committee of the House of Representatives appointed pursuant to House Resolution 244, 84th Congress. (See House Report No. 2052, 84th Cong., 2d sess.) We believe that the provisions of S. 3107 more clearly indicate the areas of responsibility which should be assumed by the Federal Government and by the States with respect to future activities of bridge commissions and authorities of this type, and that adequate safeguards may be established under the bill to assure that the intent of Congress in establishing these commissions will be effectuated.

However, your attention is invited to the fact that section 5 (a) of the bill authorizes the chief legal officer of either State concerned to enforce or prevent violations of the various acts of Congress creating bridge commissions and authorities. Presumably, such provision is intended to confer an enforcement right upon the States which is concurrent with, rather than exclusive of, the inherent right of the Federal Government to enforce and enjoin violations of Federal statutes. If so, and in view of the fact that the present bill would require the submission of audit reports and annual reports to the governors of the States concerned, we are aware of no reason why similar enforcement authority with respect to the provisions of S. 3107 should not also be conferred upon the States concerned. In view thereof, we suggest that section 5 (a) be amended by deleting the words "All provisions of" in line 7, page 5 of the bill, and inserting the words "The provisions of this act and of all" in lieu thereof.

Additionally, while section 3 of the bill directs each bridge commission and authority to submit an annual report to the Secretary of Commerce, the bill contains no direction or authorization specifying procedures, if any, which the Secretary is expected to follow thereafter. We understand that one of the primary purposes of this bill is to vest in the States concerned as complete control of the bridge commissions and authorities as is feasible. The question of whether any responsibility with respect to operations of the bridge commissions and authorities is to be retained by the Secretary of Commerce would appear to be one of congressional policy; however, in the event it should be determined that such operations should not be subject to review by the Secretary, it would appear that submission of copies of the annual reports to that official would serve no purpose and should be eliminated from section 3 of the bill. Conversely, in the event an annual review, to determine whether such operations are effectuating the intent of Congress, is considered desirable, we doubt that the information contained in an annual report meeting the requirements of section 3 would be sufficient to support such determination. Accordingly, if it is intended to retain an annual review function in the Federal Government, we suggest the following amendments:

Section 1 (b) be amended by deleting the period in line 11, page 2, of the bill and inserting "and to the Secretary of Commerce." in lieu thereof.

Section 3 be amended by adding the following immediately following the period in line 20: "The Secretary of Commerce shall review such annual reports and the audit reports submitted under section 1 (b) of this Act and shall make recommendations to the Congress based upon such review, or take such



other action as he may consider necessary, to effectuate the intent of the Congress as established by this Act or by the Act under which the individual bridge commission or authority was created."

Subject to the above comments, we recommend enactment of S. 3107.

Sincerely yours,

JOSEPH CAMPBELL,  
*Comptroller General of the United States.*

DEPARTMENT OF THE ARMY,  
*March 14, 1958.*

HON. DENNIS CHAVEZ,  
*Chairman, Committee on Public Works,  
United States Senate.*

DEAR MR. CHAIRMAN: Reference is made to your request for the views of the Department of the Army with respect to S. 3107, 85th Congress, a bill to provide for the annual audit of bridge commissions and authorities created by act of Congress for the appointment of members thereof, transfer of functions, and for other purposes.

This bill would provide that each bridge commission and authority created by act of Congress shall provide for an annual audit of its financial transactions by an independent firm of certified public accountants in a manner to be prescribed by the governors of the States concerned, with annual report by the commission to the governors and to the Secretary of Commerce. The bill provides that the term of office of a member of a commission created by act of Congress shall expire 90 days after the date of enactment, except that incumbent members would hold over until successors qualify, and that the expiration provision would not apply to ex officio members. Membership of the commission would then be filled through appointments by the governors of the States concerned.

On July 26, 1956, the President approved H. R. 11010, 84th Congress, creating the Muscatine Bridge Commission (70 Stat. 669), at which time he issued a statement wherein he recommended that consideration be given to possible legislation with respect to existing federally created bridge commissions to require that they be subject to uniform safeguards providing (1) for an annual audit by competent authority, and (2) for fixed conditions for filling commission vacancies. In his statement, the President also pointed out that the construction and operation of interstate bridges traditionally has been a State rather than Federal responsibility, and that a serious legal and administrative problem is presented in that no official or agency is charged with the responsibility of assuring that commissions faithfully carry out their public responsibilities.

S. 3107 appears to be in general accord with the views expressed by the President.

The Bureau of the Budget advised that there would be no objection to the submission of an identical report on a companion bill, H. R. 10172.

Sincerely yours,

WILBER M. BRUCKER,  
*Secretary of the Army.*

EXECUTIVE OFFICE OF THE PRESIDENT,  
BUREAU OF THE BUDGET,  
*Washington, D. C., March 11, 1958.*

HON. DENNIS CHAVEZ,  
*Chairman, Committee on Public Works,  
United States Senate, Washington, D. C.*

MY DEAR MR. CHAIRMAN: This will acknowledge your letter of January 28, 1958, inviting the Bureau of the Budget to comment on S. 3107, a bill to provide for the annual audit of bridge commissions and authorities created by act of Congress, for the appointment of members thereof, transfer of functions, and for other purposes.

This bill was prepared in response to the statement of the President dated July 26, 1956, issued in connection with his approval of H. R. 11010 creating the Muscatine Bridge Commission. In that statement he called attention to the fact that such bridge commissions were not clearly Federal or State agencies, and that no official or agency was responsible for assuring that they faithfully



carried out their functions. He recommended that the Congress give consideration to the enactment of legislation clarifying the status of existing federally authorized bridge commissions and subjecting them to uniform safeguards.

The Bureau of the Budget believes that the provisions of S. 3107 would substantially implement the recommendations of the President. Accordingly, the Bureau of the Budget recommends that your committee give favorable consideration to this bill.

Sincerely yours,

MAURICE H. STANS, *Acting Director.*

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THE GENERAL COUNSEL OF COMMERCE,  
*Washington, D. C., January 10, 1958.*

HON. DENNIS CHAVEZ,  
*United States Senate,*  
*Washington, D. C.*

DEAR SENATOR CHAVEZ: The Secretary has today transmitted to the President of the Senate and the Speaker of the House of Representatives draft legislation to provide for the annual audit of bridge commissions and authorities created by act of Congress, for the filling of vacancies in the membership thereof, and for other purposes.

This proposed legislation would implement the recommendation made by the President in his statement dated July 26, 1956, issued in connection with his approval of Public Law 811, 84th Congress. In his statement, the President recommended that existing federally authorized bridge commissions be subject to regular audit by competent authority and to regularized provisions fixing conditions for filling vacancies on such commissions.

For your information and convenient reference I am enclosing a copy of the proposed legislation together with the Secretary's letter of transmittal which explains the proposal.

Sincerely yours,

FREDERICK C. NASH, *General Counsel.*

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HON. RICHARD M. NIXON,  
*President of the Senate,*  
*Washington, D. C.*

HON. SAM RAYBURN,  
*Speaker of the House of Representatives,*  
*Washington, D. C.*

DEAR MR. PRESIDENT: The Department of Commerce recommends to the Congress for its consideration the attached draft of legislation entitled "To provide for the annual audit of bridge commissions and authorities created by act of Congress, for the filling of vacancies in the membership thereof, and for other purposes."

The President, in a statement dated July 26, 1956, issued in connection with his approval of H. R. 11010, creating the Muscatine Bridge Commission and authorizing said Commission and its successors to acquire by purchase or condemnation and to construct, maintain, and operate a bridge or bridges across the Mississippi River at or near the city of Muscatine, Iowa, and the town of Drury, Ill., recommended that Congress at the earliest practicable time give consideration to the enactment of legislation requiring that existing federally authorized bridge commissions be subject to the following uniform safeguards:

- (1) Provision for annual audit by competent authority; and
- (2) Regularized provisions fixing conditions for filling commission vacancies.

As the President pointed out in his statement, the construction and operation of interstate bridges traditionally have been a State rather than a Federal responsibility, and the States appear to have ample authority to provide for the construction, maintenance, and operation of interstate bridges under the General Bridge Act of 1946 and the interstate compact procedure without Federal legislation creating special commissions.

Furthermore, federally created bridge commissions pose serious legal and administrative problems. Such commissions are neither State nor Federal agencies, nor is the responsibility of assuring that they faithfully carry out their public duties clearly and consistently that of a specified official or agency.

The attached draft bill would require the annual audit by an independent firm of certified public accountants of each of the bridge commissions created by act of Congress for the purpose of constructing and/or acquiring interstate bridges, and for a uniform method of filling vacancies in the membership of these commissions, thus relieving the Federal Government of such responsibility where the authorizing legislation now provides that vacancies shall be filled by an official of the Federal Government.

The proposed legislation, if enacted, would be applicable to the following:

Arkansas-Mississippi Bridge Commission, created by the act approved May 17, 1939 (53 Stat. 747).

City of Clinton Bridge Commission, created by the act approved December 21, 1944 (58 Stat. 846).

Louisville-Vicksburg Bridge Commission, created by the act approved August 9, 1939 (53 Stat. 1267).

Muscatine Bridge Commission (audit provision only) created by the act approved July 26, 1956 (70 Stat. 669).

Sabine Lake Bridge and Causeway Authority (audit provision only), created by the act approved October 31, 1951 (65 Stat. 695).

White County Bridge Commission, created by the act approved April 12, 1941 (55 Stat. 140).

The legislation herein proposed is intended to accomplish the foregoing recommendations of the President.

The Department of Commerce recommends this proposed legislation for the favorable consideration of the Congress.

We have been advised by the Bureau of the Budget that it would interpose no objection to the submission of the draft legislation to the Congress.

Sincerely yours,

WALTER WILLIAMS,  
*Acting Secretary of Commerce.*

A BILL To provide for the annual audit of bridge commissions and authorities created by Act of Congress, and for the appointment of members thereof, transfer of functions, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) each bridge commission and authority created by Act of Congress shall provide for an annual audit of its financial transactions by an independent firm of certified public accountants in such manner as prescribed by the Governors of the States concerned and in accordance with the principles and procedures applicable to commercial corporate transactions. Each such commission and authority shall make available for such purposes all books, accounts, financial records, reports, files and all other papers, documents or property belonging to or in use by such commission or authority. The General Accounting Office is authorized and directed to make available its advice on any matter pertaining to an audit performed pursuant to this section.

(b) The commission or authority within four months following the close of the fiscal year for which the audit is made shall submit a copy of the audit report to the Governors of the States concerned. The report shall set forth the scope of the audit and shall include a statement of assets and liabilities, capital, and surplus or deficit; a statement of surplus or deficit analysis, a statement of income and expense; a statement of sources and application of funds; and such comments and information as may be deemed necessary to keep the Governors of the States concerned informed of the operations and financial condition of the commission.

(c) The Governor of either State concerned is authorized to provide for the conduct of further audits of any bridge commission or authority created by Act of Congress if the audit report submitted under subsection (b) is not satisfactory to said Governor.

(d) The commission or authority shall bear all expenses of auditing its financial transactions as required by this section.

SEC. 2. (a) The term of each person who is a member, on the date of enactment of this Act, of a bridge commission or authority created by Act of Congress shall expire ninety days after the date of enactment of this Act except—

(1) that incumbent members whose terms have so expired shall hold over in office until their successors are appointed and qualified, and

(2) that this section shall not be applicable to ex officio members of such bridge commission or authority.



The Governors of the States concerned shall thereafter jointly appoint not more than one-third of the members of such bridge commission or authority for a term of two years from the date of appointment, not more than one-third of the members of such bridge commission or authority for a term of four years and the remaining members for a term of six years. Thereafter, the term of each member appointed to such commission or authority shall be six years, except when an appointment is made to fill an unexpired term or when an incumbent member whose term has expired holds over until his successor is appointed. A vacancy occurring by reason of failure to qualify as a member, death, removal from office, or resignation shall be filled jointly by the Governors of the States concerned for the remainder of the unexpired term of the member of the commission or authority whom he succeeds.

(b) Each member appointed under this Act shall qualify within thirty days after appointment by filing with the Governors of the States concerned an oath that he will faithfully perform the duties imposed upon him by law.

(c) Each member appointed under this Act shall be removable for cause by the Governor of the State in which the member resides.

SEC. 3. Each bridge commission and authority created by Act of Congress shall submit an annual report, covering its operations and fiscal transactions during the preceding fiscal year, its financial condition and a statement of all receipts and expenditures during such period, to the Governors of the States concerned and to the Secretary of Commerce not later than four months following the close of the fiscal year for which the audit required under section 1 of this Act is made.

SEC. 4. Authority is hereby granted to transfer all functions, powers, duties, responsibilities, authority, assets, liability, obligations, books, records, property, and equipment of any existing bridge commission or authority created by Act of Congress to the highway department or other agency of the State or States concerned, or to joint agencies established by interstate compact or agreement. Such transfer shall be carried out in a manner as may be prescribed or authorized by the laws of the State or States concerned. Upon such transfer, such bridge commission or authority shall cease to exist.

SEC. 5. (a) All provisions of Acts of Congress creating bridge commissions or authorities may be enforced or the violation thereof prevented by mandamus, injunction, or other appropriate remedy by the chief legal officer of either State concerned, in any court having competent jurisdiction of the subject matter and of the parties. The following provisions of law are hereby repealed:

Sec. 11 of the Act approved October 30, 1951 (65 Stat. 699) ;

Sec. 15 of the Act approved July 26, 1956 (70 Stat. 676) ;

Sec. 12 of the Act approved August 9, 1939 (53 Stat. 1272) ; and

Sec. 12 of the Act approved April 12, 1941 (55 Stat. 144).

(b) Members and employees of bridge commissions and authorities created by Act of Congress shall not be deemed to be Federal officers and employees.

SEC. 6. The provisions of this Act shall apply to any bridge commission or authority created by Act of Congress and authorized to construct and/or acquire an interstate bridge, including:

(1) Arkansas-Mississippi Bridge Commission, created by the Act approved May 17, 1939 (53 Stat. 747) ;

(2) Louisiana-Vicksburg Bridge Commission, created by the Act approved August 9, 1939 (53 Stat. 1267) ;

(3) White County Bridge Commission, created by the Act approved April 12, 1941 (55 Stat. 140) ;

(4) City of Clinton Bridge Commission, created by the Act approved December 21, 1944 (58 Stat. 846) ;

(5) Sabine Lake Bridge and Causeway Authority, created by the Act approved October 30, 1951 (65 Stat. 695) ; and

(6) Muscatine Bridge Commission, created by the Act approved July 26, 1956 (70 Stat. 669).

SEC. 7. If any provision of this Act, or the application of such provision to any person or circumstance, is held invalid, the remainder of the Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.



*Public accounting requirements, United States and possessions—States having CPA laws and public accounting laws*

State	Certified public accountant	Public accountant or registered or licensed	Allows any person to practice as public accountant
Alabama.....	X		
Arizona.....	X	X	
Arkansas.....	X		
California.....	X	X	
Colorado.....	X	X	
Connecticut.....	X	X	
Delaware.....	X		
District of Columbia.....	X		X
Florida.....	X	X	
Georgia.....	X	X	
Idaho.....	X	X	
Illinois.....	X	X	
Indiana.....	X		X
Iowa.....	X	X	
Kansas.....	X	X	X
Louisiana.....	X	X	
Maine.....	X		X
Maryland.....	X		
Massachusetts.....	X		X
Michigan.....	X	X	
Minnesota.....	X		X
Mississippi.....	X		
Missouri.....	X	X	
Montana.....	X		X
Nebraska.....	X		
Nevada.....	X		X
New Hampshire.....	X		X
New Jersey.....	X	X	
New Mexico.....	X	X	
New York.....	X		X
North Carolina.....	X	X	
North Dakota.....	X		X
Ohio.....	X		X
Oklahoma.....	X		X
Oregon.....	X	X	
Pennsylvania.....	X		X
Rhode Island.....	X		X
South Carolina.....	X		X
South Dakota.....	X		X
Tennessee.....	X	X	
Texas.....	X		
Utah.....	X		X
Vermont.....	X	X	
Virginia.....	X		
Washington.....	X		
West Virginia.....	X		X
Wisconsin.....	X		
Wyoming.....	X		
Alaska.....	X	X	
Hawaii.....	X		
Puerto Rico.....	X		
Virgin Islands.....	X		X

Compiled from Commerce Clearing House, Inc., Accountancy Law Reporter, 2d edition.

Mr. WHITE. Mr. Chairman.

Senator McNAMARA. Mr. White.

Mr. WHITE. I believe I have a written statement on file with the clerk concerning S. 3107.

Senator McNAMARA. Without objection that will be made a part of the record at this time.

(The statement is as follows:)

STATEMENT OF FRED R. WHITE, AMES, IOWA

My name is Fred R. White. I live at Ames, Iowa. I am a civil engineer, formerly employed by the Iowa State Highway Commission, but now affiliated with Modjeski & Masters, consulting engineers, Harrisburg, Pa., and serving as a consultant to the City of Clinton (Iowa) Bridge Commission and the

Muscatine (Iowa) Bridge Commission. I appear before you in opposition to the pending bill, S. 3107.

The principal purpose of the pending bill, S. 3107, purports to be the requiring of an annual audit by independent certified public accountants of the books, records and accounts of bridge commissions and authorities created by act of Congress. An examination of the bill discloses that said bill goes much further than merely requiring an annual audit of the books, records and accounts of such bridge commissions and authorities.

In opposing the enactment of S. 3107, I wish to emphasize, as strongly as I can, that I am not opposed to the requiring of an annual audit by certified public accountants of the books, records and accounts of bridge commissions and authorities created by act of Congress. I am definitely in favor of requiring such annual audits of such bridge commissions and authorities.

My observation is that such bridge commissions and authorities, of their own volition require such audits. During the past nearly 20 years, I have been intimately associated with three bridge commissions created by act of Congress—the City of Dubuque Bridge Commission, the City of Clinton Bridge Commission and the Muscatine Bridge Commission. Although there was nothing in the laws passed by Congress creating these three bridge commissions which require that annual audits be made of their books, records and accounts each of these three bridge commissions, as a matter of good business practice, did require that such annual audits be made.

In this presentation, I will not attempt to discuss or even mention all of the objectionable features contained in the pending bill S. 3107. I will mention and discuss only a few of the objectionable features of this bill, as follows:

*(a) Termination of terms of present members of bridge commissions and authorities.*

Section 2 of the said bill provides that the term of offices of each person who is a member of a bridge commission or authority created by act of Congress on the date of the enactment of the said bill, except as to ex officio members, shall expire 90 days after the date said bill is enacted. In other words, with the exception of the ex officio members of such bridge commissions or authorities, this bill would summarily terminate the terms of all present members of such bridge commissions or authorities. These present members might or might not be reappointed.

I know from my contacts with the members of three such bridge commissions over the past 20 years, that the members of such bridge commissions work hard and long for a mere pittance in the way of monetary compensation. Take the City of Clinton Bridge Commission as an example; that Commission has now been in existence for a little over 13 years. Three of the original members of the City of Clinton Bridge Commission named in the act of Congress passed in December 1944, are still serving as members of that Commission. They have put in over 13 years on that job. These three members are Mark N. Morris, the chairman; J. Joseph Burke, the vice chairman; and Fred G. Hansen, the secretary. The Clinton Bridge Act specifies that a member of the City of Clinton Bridge Commission shall receive a per diem of \$10 per day for the time actually spent on Bridge Commission business but not more than \$600 per year, except that the chairman may receive not more than \$1,200 per year. The fact is that during the past 13 years Messrs. Morris, Burke and Hansen have received, among them, a total per diem compensation of \$22,790, which is an average of \$584.36 per man per year.

The meetings of the City of Clinton Bridge Commission for the most part, have been held at night. That is done for the reason that the members of this bridge commission have to attend to their own business during the daytime, to earn a living for themselves and their families. These night meetings usually start at 7:30 p. m., and finally adjourn anywhere from 11 that night to 3 the next morning. I know these things from my own knowledge. I was present at most of these meetings. Now, I ask you, is it fair to summarily kick these men off of the City of Clinton Bridge Commission? Their only crime is that over a long period of years, at great personal sacrifice, they have faithfully, honestly, and capably performed a hard, grueling public task at almost no financial return to them.

What I have stated above with respect to Messrs. Morris, Burke, and Hansen of the City of Clinton Bridge Commission would apply equally well to all the other members of the City of Clinton Bridge Commission and to the members of the City of Dubuque Bridge Commission (which is now disbanded) and



to the members of the Muscatine Bridge Commission, with this one exception. Under the Muscatine Bridge Act, approved July 26, 1956, the members of the Muscatine Bridge Commission receive compensation at the rate of \$20 per day for each day actually employed in the Commission's business but not more than \$1,200 per year.

Messrs. Morris, Burke, and Hansen are mentioned here only because they have been members of the City of Clinton Bridge Commission since said Commission was created in 1944. Except as to that one point, their story is typical of all the members of the City of Clinton Bridge Commission and the City of Dubuque Bridge Commission and the Muscatine Bridge Commission.

*(b) Appointment of members to bridge commissions or authorities*

Section 2 of S. 3107 provides that "the governors of the States concerned shall thereafter jointly appoint" \* \* \* members of bridge commissions and authorities created by act of Congress.

I am not a lawyer, but I consider such a provision bad legislation. I wonder what authority, if any, Congress has to direct the governors of the affected States, or any other State official, to appoint members of bridge commissions and authorities created by act of Congress. Suppose that the governors fail or refuse to act, or cannot agree on such appointments.

It seems obvious to me that the proper agency for the making of appointments to bridge commissions and authorities created by act of Congress is the Department of Commerce and the proper officer of the Department of Commerce to make such appointment is the Secretary of Commerce or the Commissioner of Public Roads.

It appears that the Department of Commerce is seeking to avoid the obligation of appointing members of bridge commissions and authorities created by act of Congress. Let us consider that matter for a moment. How many such appointments would have to be made per year? My information is that at the present time there are in effect six acts of Congress which create bridge commissions or authorities. The number of members of these commissions vary from 3 to 7. The Sabine Lake Bridge and Causeway Authority is made up wholly of ex officio members. The Louisiana-Vicksburg Bridge Commission created by act of Congress approved September 9, 1939, has never been activated. A bridge over the Mississippi River at Vicksburg was constructed by a bridge commission created under Mississippi State law.

Excluding the above 2 bridge commissions, leaves a total of 4 bridge commissions created by act of Congress, now in existence. If each of these 4 bridge commissions included 5 appointive members and if the term of each member was 5 years, then an average total of 4 such bridge commission members would have to be appointed each year to fill vacancies created by the expiration of regular terms. The making of four such appointments per year could not possibly be a very burdensome task for the Commerce Department. Of course, there will be some vacancies created by death or resignation, but even if we assume that eight appointments per year would have to be made, the task of making these appointments still is not very extensive or burdensome.

*(c) Need for bridge commissions created by act of Congress*

Some will say that there is no real need for bridge commissions or authorities created by act of Congress. They will argue that the affected States, through interstate compact or agreement and operating under the general Bridge Act of 1946 can construct interstate bridges without a special act of Congress authorizing them to do so. We are fully aware that legally that is true. Likewise, we know from experience that it is not always possible to get the States to pass necessary laws or create interstate compacts or agreements with their neighboring States. That is true for example in the State of Iowa.

For nearly 30 years, while I was chief engineer of the Iowa State Highway Commission, I endeavored to the best of my ability to get the Iowa Legislature to pass an act under which the Iowa State Highway Commission could, in cooperation with its neighboring States, proceed to the purchase or building of interstate bridges over our boundary streams. The Iowa State Legislature never did pass such act. The difficulty was that in the State of Iowa, there are 16 counties which border on the Mississippi and Missouri Rivers on the borders of the State of Iowa. These 16 counties have 20 representatives out of a total of 108 members of the Iowa House of Representatives. By and large, the representatives from counties in the interior of the State, away from the



boundary streams, are just not interested in legislation for the purchasing or construction of interstate bridges.

Under these circumstances, I am fully persuaded that had it not been for the city of Dubuque Bridge Commission created by act of Congress in 1939, the fine, modern Julien-Dubuque Bridge over the Mississippi River at Dubuque would not have been constructed to this day. Had it not been for the city of Clinton Bridge Commission, created by act of Congress in 1944, I am certain that the fine, new, modern Gateway Bridge over the Mississippi River at Clinton would not yet have been built. Were it not for the Muscatine Bridge Commission, created by act of Congress in 1956, I am fully of the opinion that the bridge over the Mississippi River at Muscatine would still have been a privately owned toll bridge with no hope of getting a new bridge at that point within the predictable future. In each of these cases, there is no probability that the two States, Iowa and Illinois, would have seen fit to finance these bridges out of their regular State highway funds.

So I say to you, with the utmost sincerity, that there is a place and a need for bridge commissions created by acts of Congress. Such bridge commissions provide the instrumentality for getting the job done when there is no other way to get it done.

Mr. WHITE. I would like to make a short oral statement in addition to that.

Senator McNAMARA. You would like to present a further statement?

Mr. WHITE. In addition to the written statement I should like to make a short oral statement.

Senator McNAMARA. All right. You may.

**STATEMENT OF FRED R. WHITE, AMES, IOWA, MODJESKI & MASTERS, CONSULTING ENGINEERS, HARRISBURG, PA., AND CONSULTANT, CITY OF CLINTON BRIDGE COMMISSION**

Mr. WHITE. There was some confusion in the statements made here about the expanse of these various bridge commissions. I would like to clear that up.

On page 6 of the printed copy of S. 3107 there is the Arkansas-Mississippi Bridge Commission. This commission was created by act of Congress, approved May 17, 1939. That bridge commission is alive and functioning. There has been no bridge built there; that is at Helena, Ark. The two State Highway Departments of Mississippi and Arkansas are, in fact, proceeding to build that bridge. They have recently secured a loan from the Community Facilities Administration. The two States are supplying the additional money. They are simply using this for a bridge commission.

Two, Louisiana-Vicksburg Bridge Commission, created by an act approved August 9, 1939. That bridge commission has never been activated. A bridge has been built over the Mississippi River at Vicksburg by the Vicksburg-Louisiana Bridge Commission of Warren County, Miss. The Commission was created under Mississippi law.

I wrote to those people and suggested that since that bridge commission had never been activated the act might as well be repealed. They agreed with that. I can furnish you the correspondence if you should want it.

Senator McNAMARA. Thank you.

Mr. WHITE. Three, the White County Bridge Commission. That is a bridge commission which built and—well, it purchased and is operating a bridge over the Wabash River between the States of Illinois and Indiana.

Then there is the City of Clinton Bridge Commission which, as you know, is active and so forth.

Then, five, Sabine Lake Bridge and Causeway Authority. The members of that commission are ex officio, the county judge or the chief of police and various local officials that serve on that. They have completed a bridge and they are now working on a causeway approaching the bridge on each side of the bridge. The bridge is not open for the reason the causeway is not completed.

Then there is the Muscatine Bridge Commission of which you have already heard from Mr. Rehwaldt, the vice chairman. They purchased the old Muscatine Bridge and they are now operating it.

Now, I don't know whether we agreed that this written statement of mine should be filed as a part of the record?

Senator HRUSKA. Yes, that has been ordered.

Senator McNAMARA. I am sure that it has, but if there is any question about it we will see that it is made part of the record.

Mr. WHITE. Thank you.

Now, I should like to read beginning on page 6, paragraph (c), need for bridge commissions created by act of Congress.

Mr. Tallamy, who is a good friend of mine—we fight with and against each other and all that sort of thing—raised a point that there is no need for bridge commissions created by act of Congress. I say to you there is a need. I will read.

Some will say that there is no real need for bridge commissions or authorities created by Act of Congress. They will argue that the affected States, through interstate compact or agreement and operating under the General Bridge Act of 1946 can construct interstate bridges without a special Act of Congress authorizing them to do so. We are fully aware that legally that is true. Likewise, we know from experience that it is not always possible to get the States to pass necessary laws or create interstate compacts or an agreement with their neighboring States. That is true, for example, in Iowa.

For nearly 30 years, while I was chief engineer of the Iowa State Highway Commission, I endeavored to the best of my ability to get the Iowa Legislature to pass an act under which the Iowa Highway Commission could, in cooperation with its neighboring States, proceed to the purchase or building of interstate bridges over our boundary streams. The Iowa Legislature never did pass such an act. The difficulty was that in the State of Iowa there are 16 counties which border on the Mississippi and Missouri Rivers on the borders of the State. These 16 counties have 20 representatives out of a total of 108 members of the Iowa House of Representatives. By and large the representatives from the counties in the interior of the State, away from the boundary streams, are just not interested in legislation for the purchasing or construction of interstate bridges.

Now, you gentlemen, being experienced legislators, know that it is a bit difficult for 20 members of a legislative body to vote down 88 members. And that is the problem.

Under these circumstances, I am fully persuaded that had it not been for the City of Dubuque Bridge Commission created by act of Congress in 1939, the fine, modern Julien-Dubuque Bridge over the Mississippi River at Dubuque would not have been constructed to this day.



I might say that the Dubuque Bridge Commission constructed their bridge, they were created in 1939, they let contracts for a new bridge in 1941, they completed the new bridge in 1943, they paid for the bridge in 1954. It has been turned over to the two States and that bridge would not have been built had it not been for an act of Congress creating this kind of a bridge commission.

Had it not been for the City of Clinton Bridge Commission, created by act of Congress in 1944, I am certain that the fine, new, modern Gateway Bridge over the Mississippi River at Clinton would not yet have been built.

Were it not for the Muscatine Bridge Commission, created by an act of Congress in 1956, I am fully of the opinion that the bridge over the Mississippi River at Muscatine would still have been a privately owned toll bridge with no hope of getting a new bridge at that point in the predictable future.

In each of these cases there is no probability that the two States, Iowa and Illinois, would have seen fit to finance these bridges out of their regular State highway funds. They have just got too much to do on their highway system.

So, I say to you, with the utmost sincerity, that there is a place and there is a need for bridge commissions created by acts of Congress. Such bridge commissions provide the instrumentality for getting the job done when there is no other way to get it done.

Senator McNAMARA. Thank you, Mr. White.

Mr. WHITE. Thank you.

Senator McNAMARA. Senator Hruska, this would conclude our hearings on S. 3107, unless you had some questions. You indicated you wanted to ask Mr. Tallamy some questions regarding the bill that we had testimony on this morning.

Senator HRUSKA. Well, Mr. Chairman——

Senator McNAMARA. Do you want to do that on the record or off the record?

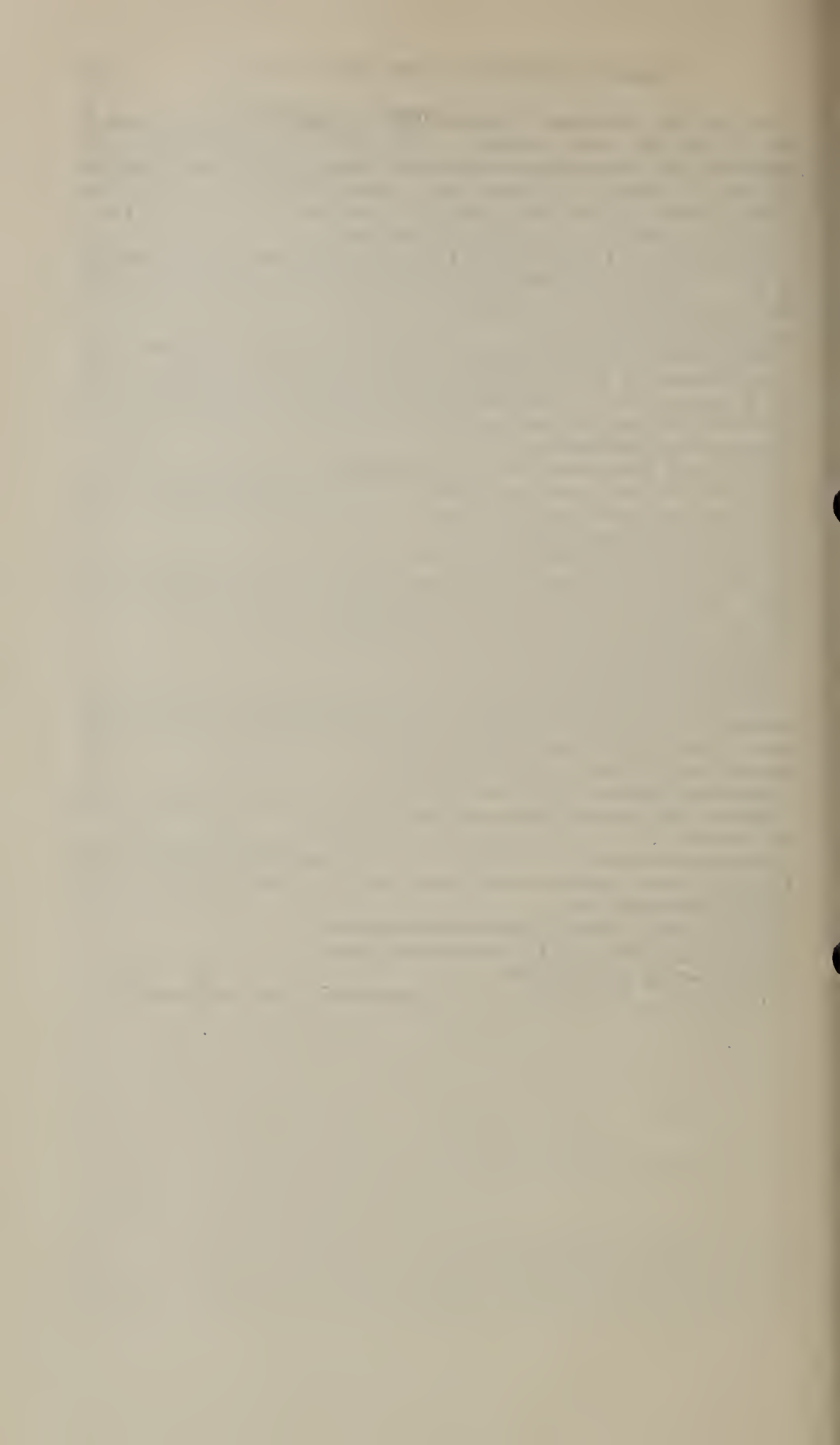
Senator HRUSKA. No. They have been resolved since I thought I might have a question. So I will spare the time of the chairman and of the committee.

Senator McNAMARA. Thank you very much.

Thanks to everybody for your cooperation.

The meeting is adjourned.

(Thereupon, at 3:05 p. m., the subcommittee was adjourned.)









LEGISLATIVE HISTORY

Public Law 85-767  
H. R. 12776

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## Index and summary of H. R. 12776

June 3, 1958	Rep. Fallon introduced H. R. 12776 which was referred to the House Judiciary Committee.
June 4, 1958	House Judiciary Committee discharged and H. R. 12776 was referred to the House Public Works Committee. Print of bill as re-referred.
June 6, 1958	Sen. Case, S. Dak., introduced S. 3953 which was referred to the Senate Public Works Committee. Print of bill as introduced.
June 17, 1958	House committee ordered H. R. 12776 reported with amendment.
June 19, 1958	House committee reported H. R. 12776 reported with amendments. H. Report No. 1938. Print of bill and report.
June 26, 1958	House passed H. R. 12776 as reported.
June 27, 1958	H. R. 12776 was referred to the Senate Public Works Committee. Print of bill as referred.
July 23, 1958	Senate committee reported S. 3953 with amendments. S. Report No. 1928. Print of bill and report.
July 28, 1958	Senate passed over S. 3953 at the request of Sen. Hruska.
Aug. 5, 1958	Senate passed H. R. 12776 with an amendment substituting the language of S. 3953. S. 3953 was indefinitely postponed.
Aug. 13, 1958	House concurred in Senate amendment.
Aug. 27, 1958	Approved: Public Law 85-767.





## DIGEST OF PUBLIC LAW 85-767

CODIFICATION OF FEDERAL HIGHWAY LAWS. Codifies and consolidates into one act the Federal highway laws, including sections which relate to the forest development road and trail program as currently authorized for the national forests, to the functions of the Department with respect to the forest highway program which is carried out primarily by the Secretary of Commerce, and to rights-of-way for Federal-aid roads over lands owned by the Government, including those under the jurisdiction of this Department.









85TH CONGRESS  
2D SESSION

# H. R. 12776

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 3, 1958

Mr. FALLON introduced the following bill; which was referred to the Committee  
on the Judiciary

JUNE 4, 1958

The Committee on the Judiciary discharged, and referred to the Committee on  
Public Works

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## A BILL

To revise, codify, and enact into law, title 23 of the United States Code,  
entitled "Highways".

*Be it enacted by the Senate and House of Representatives of the  
United States of America in Congress assembled, That the laws relat-  
ing to highways are revised, codified, and reenacted as Title 23,  
United States Code, "Highways" and may be cited as "Title 23,  
United States Code, §—", as follows:*

### TITLE 23—HIGHWAYS

CHAPTER	Sec.
1. FEDERAL AID HIGHWAYS.....	101
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#### CHAPTER 1—FEDERAL-AID HIGHWAYS

Sec.
101. Definitions and declaration of policy.
102. Authorizations.
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### § 101. Definitions and declaration of policy

(a) DEFINITIONS.—As used in this title, unless the context requires otherwise—

The term “apportionment” in accordance with section 104 of this title includes unexpended apportionments made under prior acts.

The term “construction” means the supervising, inspecting, actual building, and all expenses incidental to the construction or reconstruction of a highway, including locating, surveying, and mapping (including the establishment of temporary and permanent geodetic markers in accordance with specifications of the Coast and Geodetic Survey in the Department of Commerce), costs of rights-of-way, and elimination of hazards of railway-grade crossings.

The term “county” includes corresponding units of government under any other name in States which do not have county organizations, and likewise in those States in which the county government does not have jurisdiction over highways it may be construed to mean any local government unit vested with jurisdiction over local highways.

The term “forest road or trail” means a road or trail wholly or partly within or adjacent to and serving the national forests.

The term “forest development roads and trails” means those forest roads or trails of primary importance for the protection, administration, and utilization of the national forests, or where necessary, for the use and development of the resources upon which communities within or adjacent to the national forests are dependent.

The term “forest highway” means a forest road which is of primary importance to the States, counties, or communities within, adjoining, or adjacent to the national forests.

The term “highway” includes roads, streets, and parkways, and also includes rights-of-way, bridges, railroad-highway crossings,



tunnels, drainage structures, signs, guardrails, and protective structures, in connection with highways. It further includes that portion of any interstate or international bridge or tunnel and the approaches thereto, the cost of which is assumed by a State highway department, including such facilities as may be required by the United States Customs and Immigration Services in connection with the operation of an international bridge or tunnel.

The term "Federal-aid highways" means highways located on one of the Federal-aid systems described in section 103 of this title.

The term "Indian reservation roads and bridges" means roads and bridges that are located within an Indian reservation or that provide access to an Indian reservation or Indian land, and that are jointly designated by the Secretary of the Interior and the Secretary as a part of the Indian Bureau road system.

The term "maintenance" means the preservation of the entire highway, including surface, shoulders, roadsides, structures, and such traffic-control devices as are necessary for its safe and efficient utilization.

The term "park roads and trails" means those roads or trails, including the necessary bridges, located in national parks or monuments, now or hereafter established, or in other areas administered by the National Park Service of the Department of the Interior (excluding parkways authorized by Acts of Congress) and also including approach roads to national parks or monuments authorized by the Act of January 31, 1931 (46 Stat. 1053), as amended.

The term "parkway" as used in chapter 3 of this title, means a parkway authorized by an Act of Congress on lands to which title is vested in the United States.

The term "project" means an undertaking to construct a particular portion of a highway, or if the context so implies, the particular portion of a highway so constructed.

The term "project agreement" means the formal instrument to be executed by the State highway department and the Secretary as required by the provisions of subsection (a) of section 110 of this title.

The term "public lands highways" means main highways through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations.

The term "rural areas" means all areas of a State not included in urban areas.

The term "Secretary" means Secretary of Commerce.

The term "State" means any one of the forty-eight States, the District of Columbia, Hawaii, Alaska, or Puerto Rico.

The term "State funds" includes funds raised under the authority of the State or any political or other subdivision thereof, and made available for expenditure under the direct control of the State highway department.

The term "State highway department" means that department, commission, board, or official of any State charged by its laws with the responsibility for highway construction.

The term "Federal-aid system" means any one of the Federal-aid highway systems described in section 103 of this title.

The term "Federal-aid primary system" means the Federal-aid highway system described in subsection (b) of section 103 of this title.

The term "Federal-aid secondary system" means the Federal-aid highway system described in subsection (c) of section 103 of this title.

The term "Interstate System" means the National System of Interstate and Defense Highways described in subsection (d) of section 103 of this title.

The term "urban area" means an area including and adjacent to a municipality or other urban place having a population of five thousand or more, as determined by the latest available Federal census, within boundaries to be fixed by a State highway department subject to the approval of the Secretary.

(b) **DECLARATIONS OF POLICY.**—It is hereby declared to be in the national interest to accelerate the construction of the Federal-aid highway systems, including the National System of Interstate and Defense Highways, since many of such highways, or portions thereof, are in fact inadequate to meet the needs of local and interstate commerce, the national and civil defense.

It is hereby declared that the prompt and early completion of the National System of Interstate and Defense Highways, so named because of its primary importance to the national defense and hereafter referred to as the "Interstate System", is essential to the national interest and is one of the most important objectives of this Act. It is the intent of Congress that the Interstate System be completed as nearly as practicable over the period of availability of the thirteen years' appropriations authorized for the purpose of expediting its construction, reconstruction, or improvement, inclusive of necessary tunnels and bridges, through the fiscal



year ending June 30, 1969, under section 108 (b) of the Federal-Aid Highway Act of 1956 (70 Stat. 374), and that the entire System in all States be brought to simultaneous completion. Insofar as possible in consonance with this objective, existing highways located on an interstate route shall be used to the extent that such use is practicable, suitable, and feasible, it being the intent that local needs, to the extent practicable, suitable, and feasible, shall be given equal consideration with the needs of interstate commerce.

### **§ 102. Authorizations**

The provisions of this title apply to all unappropriated authorizations contained in prior Acts, and also to all unexpended appropriations heretofore made, providing for the expenditure of Federal funds upon the Federal-aid systems. All such authorizations and appropriations shall continue in full force and effect, but hereafter obligations entered into and expenditures made pursuant thereto shall be subject to the provisions of this title.

### **§ 103. Federal-aid systems**

(a) For the purposes of this title, the three Federal-aid systems, the primary and secondary systems, and the Interstate System, are continued pursuant to the provisions of this section.

(b) The Federal-aid primary system shall consist of an adequate system of connected main highways, selected or designated by each State through its State highway department, subject to the approval of the Secretary as provided by subsection (e) of this section. This system shall not exceed 7 per centum of the total highway mileage of such State, exclusive of mileage within national forests, Indian, or other Federal reservations and within urban areas, as shown by the records of the State highway department on November 9, 1921. Whenever provision has been made by any State for the completion and maintenance of 90 per centum of its Federal-aid primary system, as originally designated, said State through its State highway department by and with the approval of the Secretary is authorized to increase the mileage of its Federal-aid primary system by additional mileage equal to not more than 1 per centum of the total mileage of said State as shown by the records on November 9, 1921. Thereafter, it may make like 1 per centum increases in the mileage of its Federal-aid primary system whenever provision has been made for the completion and maintenance of 90 per centum of the entire system, including the additional mileage previously authorized. This system may be located both in rural and urban areas. The mileage limitations in



this paragraph shall not apply to the District of Columbia, Hawaii, Alaska, or Puerto Rico.

(c) The Federal-aid secondary system shall be selected by the State highway departments and the appropriate local road officials in cooperation with each other, subject to approval by the Secretary as provided in subsection (e) of this section. In making such selections, farm-to-market roads, rural mail routes, public school bus routes, local rural roads, county roads, township roads, and roads of the county road class may be included, so long as they are not on the Federal-aid primary system or the Interstate System. This system shall be confined to rural areas, except (1) that in any State having a population density of more than two hundred per square mile as shown by the latest available Federal census, the system may include mileage in urban areas as well as rural, and (2) that the system may be extended into urban areas subject to the conditions that any such extension passes through the urban area or connects with another Federal-aid system within the urban area, and that Federal participation in projects on such extensions is limited to urban funds.

(d) The Interstate System shall be designated within the continental United States and it shall not exceed forty-one thousand miles in total extent. It shall be so located as to connect by routes, as direct as practicable, the principal metropolitan areas, cities, and industrial centers, to serve the national defense, and to connect at suitable border points with routes of continental importance in the Dominion of Canada and the Republic of Mexico. The routes of this system shall be selected by joint action of the State highway departments of each State and the adjoining States, subject to approval by the Secretary as provided in subsection (e) of this section. All highways or routes included in the Interstate System as finally approved, if not already coincident with the primary system, shall be added to said system without regard to the mileage limitation set forth in subsection (b) of this section. This system may be located both in rural and urban areas.

(e) The Secretary shall have authority to approve in whole or in part the Federal-aid primary system, the Federal-aid secondary system, and the Interstate System, as and when such systems or portions thereof are designated, or to require modifications or revisions thereof. No Federal-aid system or portion thereof shall be eligible for projects in which Federal funds participate until approved by the Secretary.

(f) The system or systems of roads in the Territory of Alaska on which Federal-aid funds may be expended under this title shall be

determined and agreed upon by the Governor of Alaska, the Alaska Highway and Public Works Board, and the Secretary.

(g) The system of highways on which funds apportioned to the Territory of Hawaii under this chapter shall be expended may be determined and agreed upon by the Governor of said Territory and the Secretary.

#### **§ 104. Apportionment**

(a) Whenever an apportionment is made of the sums authorized to be appropriated for expenditure upon the Federal-aid systems, the Secretary shall deduct a sum, in such amount not to exceed  $3\frac{3}{4}$  per centum of all sums so authorized, as the Secretary may deem necessary for administering the provisions of law to be financed from appropriations for the Federal-aid systems and for carrying on the research authorized by subsections (a) and (b) of section 307 of this title. In making such determination, the Secretary shall take into account the unexpended balance of any sums deducted for such purposes in prior years. The sum so deducted shall be available for expenditure from the unexpended balance of any appropriation made at any time for expenditure upon the Federal-aid systems, until such sum has been expended.

(b) On or before January 1 next preceding the commencement of each fiscal year, except as provided in paragraphs (4) and (5) of this subsection, the Secretary, after making the deduction authorized by subsection (a) of this section, shall apportion the remainder of the sums authorized to be appropriated for expenditure upon the Federal-aid systems for that fiscal year, among the several States in the following manner:

(1) For the Federal-aid primary system:

One-third in the ratio which the area of each State bears to the total area of all the States, except that only one-third of the area of Alaska shall be included; one-third in the ratio which the population of each State bears to the total population of all the States as shown by the latest available Federal census; one-third in the ratio which the mileage of rural delivery routes and star routes in each State bears to the total mileage of rural delivery and star routes in all the States at the close of the next preceding fiscal year, as shown by a certificate of the Postmaster General, which he is directed to make and furnish annually to the Secretary. No State shall receive less than one-half of 1 per centum of each year's apportionment.



(2) For the Federal-aid secondary system:

One-third in the ratio which the area of each State bears to the total area of all the States, except that only one-third of the area of Alaska shall be included; one-third in the ratio which the rural population of each State bears to the total rural population of all the States as shown by the latest available Federal census; and one-third in the ratio which the mileage of rural delivery and star routes, certified as above provided, in each State bears to the total mileage of rural delivery and star routes in all the States. No State shall receive less than one-half of 1 per centum of each year's apportionment.

(3) For extensions of the Federal-aid primary and Federal-aid secondary systems within urban areas:

In the ratio which the population in municipalities and other urban places, of five thousand or more, in each State bears to the total population in municipalities and other urban places of five thousand or more in all the States, as shown by the latest available Federal census. For the purpose of this paragraph, Connecticut and Vermont towns shall be considered municipalities regardless of their incorporated status.

(4) For the Interstate System, for the fiscal years ending June 30, 1957, June 30, 1958, and June 30, 1959:

One-half in the ratio which the population of each State bears to the total population of all the States as shown by the latest available Federal census, except that no States shall receive less than three-fourths of 1 per centum of the funds so apportioned; and one-half in the manner provided in paragraph (1) of this subsection. The sums authorized by section 108 (b) of the Federal-aid Highway Act of 1956 for the fiscal years ending June 30, 1958, and June 30, 1959, shall be apportioned on a date not less than six months and not more than twelve months in advance of the beginning of the fiscal year for which authorized.

(5) For the Interstate System for the fiscal years 1960 through 1969:

In the ratio which the estimated cost of completing the Interstate System in each State, as determined and approved in the manner provided in this paragraph, bears to the sum of the estimated cost of completing the Interstate System in all of the States. Each apportionment herein authorized for the fiscal years 1960 through 1969, inclusive, shall be made on a date as far in advance of the beginning of the fiscal year for which author-



ized as practicable but in no case more than eighteen months prior to the beginning of the fiscal year for which authorized. As soon as the standards provided for in subsection (b) of section 109 of this title have been adopted, the Secretary, in cooperation with the State highway departments, shall make a detailed estimate of the cost of completing the Interstate System as then designated, after taking into account all previous apportionments made under this section, based upon such standards and in accordance with rules and regulations adopted by him and applied uniformly to all of the States. The Secretary shall transmit such estimates to the Senate and the House of Representatives within ten days subsequent to January 2, 1958. Upon approval of such estimate by the Congress by concurrent resolution, the Secretary shall use such approved estimate in making apportionments for the fiscal years ending June 30, 1960, June 30, 1961, and June 30, 1962. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System, after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1962. Upon approval of such estimate by the Congress by concurrent resolution, the Secretary shall use such approved estimate in making apportionments for the fiscal years ending June 30, 1963, June 30, 1964, June 30, 1965, and June 30, 1966. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System, after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1966, and annually thereafter through and including January 2, 1968. Upon approval of any such estimate by the Congress by concurrent resolution, the Secretary shall use such approved estimate in making apportionments for the fiscal year which begins next following the fiscal year in which such report is transmitted to the Senate and the House of Representatives. Whenever the Secretary, pursuant to this subsection, requests and receives estimates of cost from the State highway departments, he shall furnish copies of such estimates at the same time to the Senate and the House of Representatives. In making the estimates of cost for completing the Interstate System as provided in

this paragraph, the cost of completing any mileage designated from the one thousand additional miles authorized by section 108 (1) of the Federal-Aid Highway Act of 1956 shall be excluded.

(c) Not more than 20 per centum of the amount apportioned in any fiscal year, commencing with the apportionment of funds authorized to be appropriated under subsection (a) of section 102 of the Federal-Aid Highway Act of 1956 (70 Stat 374), to each State in accordance with paragraphs (1), (2), or (3) of subsection (b) of this section may be transferred from the apportionment under one paragraph to the apportionment under any other of such paragraphs if such a transfer is requested by the State highway department and is approved by the Governor of such State and the Secretary as being in the public interest. The total of such transfers shall not increase the original apportionment under any of such paragraphs by more than 20 per centum. Nothing contained in this subsection shall alter or impair the authority contained in subsection (d) of this section.

(d) Any funds which are apportioned under paragraph (2) of subsection (b) of this section for the Federal-aid secondary system to a State in which all public roads and highways are under the control and supervision of the State highway department may, if the State highway department and the Secretary jointly agree that such funds are not needed for the Federal-aid secondary system, be expended for projects on another Federal-aid system.

(e) On or before January 1 preceding the commencement of each fiscal year, the Secretary shall certify to each of the State highway departments the sums which he has apportioned hereunder to each State for such fiscal year, and also the sums which he has deducted for administration and research pursuant to subsection (a) of this section.

### **§ 105. Programs**

(a) As soon as practicable after the apportionments for the Federal-aid systems have been made for any fiscal year, the State highway department of any State desiring to avail itself of the benefits of this chapter shall submit to the Secretary for his approval a program or programs of proposed projects for the utilization of the funds apportioned. The Secretary shall act upon programs submitted to him as soon as practicable after the same have been submitted. The Secretary may approve a program in whole or in part, but he shall not approve any project in a proposed program which is not located upon an approved Federal-aid system.



(b) In approving programs for projects on the Federal-aid secondary system, the Secretary shall require, except in States where all public roads and highways are under the control and supervision of the State highway department, that such project be selected by the State highway department and the appropriate local officials in cooperation with each other.

(c) In approving programs for projects on the Federal-aid primary system, the Secretary shall give preference to such projects as will expedite the completion of an adequate and connected system of highways interstate in character.

(d) In approving programs for projects under this chapter, the Secretary may give priority of approval to, and expedite the construction of, projects that are recommended as important to the national defense by the Secretary of Defense, or other official authorized by the President to make such recommendation.

(e) In approving programs in Hawaii, the Secretary shall give preference to such projects as will expedite the completion of highways for the national defense or which will connect seaports with limits of the national parks.

#### **§ 106. Plans, specifications, and estimates**

(a) Except as provided in section 117 of this title, the State highway department shall submit to the Secretary for his approval, as soon as practicable after program approval, such surveys, plans, specifications, and estimates for each proposed project included in an approved program as the Secretary may require. The Secretary shall act upon such surveys, plans, specifications, and estimates as soon as practicable after the same have been submitted, and his approval of any such project shall be deemed a contractual obligation of the Federal Government for the payment of its proportional contribution thereto. In taking such action, the Secretary shall be guided by the provisions of section 109 of this title.

(b) In addition to the approval required under subsection (a) of this section, proposed specifications for projects for construction on the Federal-aid secondary system, except in States where all public roads and highways are under the control and supervision of the State highway department, shall be determined by the State highway department and the appropriate local officials in cooperation with each other.

(c) Items included in any such estimate for construction engineering shall not exceed 10 per centum of the total estimated cost of the



project, after excluding from such total estimated cost, the estimated costs of rights-of-way, preliminary engineering and construction engineering.

**§ 107. Acquisition of rights-of-way—Interstate System**

(a) **Federal acquisition for States.**—In any case in which the Secretary is requested by a State to acquire lands or interests in lands (including within the term “interests in lands”, the control of access thereto from adjoining lands) required by such State for right-of-way or other purposes in connection with the prosecution of any project for the construction, reconstruction, or improvement of any section of the Interstate System, the Secretary is authorized, in the name of the United States and prior to the approval of title by the Attorney General, to acquire, enter upon, and take possession of such lands or interests in lands by purchase, donation, condemnation, or otherwise in accordance with the laws of the United States (including the Act of February 26, 1931, 46 Stat. 1421), if—

(1) the Secretary has determined either that the State is unable to acquire necessary lands or interests in lands, or is unable to acquire such lands or interests in lands with sufficient promptness; and

(2) the State has agreed with the Secretary to pay, at such time as may be specified by the Secretary an amount equal to 10 per centum of the costs incurred by the Secretary, in acquiring such lands or interests in lands, or such lesser percentage which represents the State's pro rata share of project costs as determined in accordance with subsection (c) of section 120 of this title.

The authority granted by this section shall also apply to lands and interests in lands received as grants of land from the United States and owned or held by railroads or other corporations.

(b) **Costs of acquisition.**—The costs incurred by the Secretary in acquiring any such lands or interests in lands may include the cost of examination and abstract of title, certificate of title, advertising, and any fees incidental to such acquisition. All costs incurred by the Secretary in connection with the acquisition of any such lands or interests in lands shall be paid from the funds for construction, reconstruction, or improvement of the Interstate System apportioned to the State upon the request of which such lands or interests in lands are acquired, and any sums paid to the Secretary by such State as its share of the costs of acquisition of such lands or interests in lands shall be deposited in the Treasury to the credit of the appropriation

for Federal-aid highways and shall be credited to the amount apportioned to such State as its apportionment of funds for construction, reconstruction, or improvement of the Interstate System, or shall be deducted from other moneys due the State for reimbursement from funds authorized to be appropriated under section 108 (b) of the Federal-Aid Highway Act of 1956.

**(c) Conveyance of acquired lands to the States.**—The Secretary is further authorized and directed by proper deed, executed in the name of the United States, to convey any such lands or interests in lands acquired in any State under the provisions of this section, except the outside five feet of any such right-of-way in any State which does not provide control of access, to the State highway department of such State or such political subdivision thereof as its laws may provide, upon such terms and conditions as to such lands or interests in lands as may be agreed upon by the Secretary and the State highway department or political subdivisions to which the conveyance is to be made. Whenever the State makes provision for control of access satisfactory to the Secretary, the outside five feet then shall be conveyed to the State by the Secretary, as herein provided.

**(d) Rights-of-way over public lands.**—Whenever rights-of-way, including control of access, on the Interstate System are required over lands or interests in lands owned by the United States, the Secretary may make such arrangements with the agency having jurisdiction over such lands as may be necessary to give the State or other person constructing the projects on such lands adequate rights-of-way and control of access thereto from adjoining lands, and any such agency is directed to cooperate with the Secretary in this connection.

#### **§ 108. Advance acquisition of rights-of-way**

(a) For the purpose of facilitating the acquisition of rights-of-way on any of the Federal-aid highway systems, including the Interstate System, in the most expeditious and economical manner, and recognizing that the acquisition of rights-of-way requires lengthy planning and negotiations if it is to be done at a reasonable cost, the Secretary, upon the request of the State highway department, is authorized to make available the funds apportioned to any State for expenditure on any of the Federal-aid highway systems, including the Interstate System, for acquisition of rights-of-way, in anticipation of construction and under such rules and regulations as the Secretary may prescribe. The agreement between the Secretary and the State highway department for the reimbursement of the cost of such rights-of-way shall provide for the actual construction of a road on



such rights-of-way within a period not exceeding five years following the fiscal year in which such request is made.

(b) Federal participation in the cost of rights-of-way acquired under this section shall not exceed the Federal pro rata share applicable to the class of funds from which Federal reimbursement is made.

#### **§ 109. Standards**

(a) The Secretary shall not approve plans and specifications for proposed projects on any Federal-aid system if they fail to provide for a facility (1) that will adequately meet the existing and probable future traffic needs and conditions in a manner conducive to safety, durability, and economy of maintenance; (2) that will be designed and constructed in accordance with standards best suited to accomplish the foregoing objectives and to conform to the particular needs of each locality.

(b) The geometric and construction standards to be adopted for the Interstate System shall be those approved by the Secretary in cooperation with the State highway departments. Such standards shall be adequate to accommodate the types and volumes of traffic forecast for the year 1975. The right-of-way width of the Interstate System shall be adequate to permit construction of projects on the Interstate System up to such standards. The Secretary shall apply such standards uniformly throughout the States.

(c) Projects on the Federal-aid secondary system in which Federal funds participate shall be constructed according to specifications that will provide all-weather service and permit maintenance at a reasonable cost.

(d) On any highway project in which Federal funds hereafter participate, or on any such project constructed since December 20, 1944, the location, form and character of informational, regulatory and warning signs, curb and pavement or other markings, and traffic signals installed or placed by any public authority or other agency, shall be subject to the approval of the State highway department with the concurrence of the Secretary, who is directed to concur only in such installations as will promote the safe and efficient utilization of the highways.

(e) No funds shall be approved for expenditure on any Federal-aid highway, or highway affected under chapter 3 of this title, unless proper safety protective devices complying with safety standards determined by the Secretary at that time as being adequate shall be



installed or be in operation at any highway and railroad grade crossing or drawbridge on that portion of the highway with respect to which such expenditures are to be made.

(f) The Secretary shall not, as a condition precedent to his approval under section 106 of this title, require any State to acquire title to, or control of, any marginal land along the proposed highway in addition to that reasonably necessary for road surfaces, median strips, gutters, ditches, and side slopes, and of sufficient width to provide service roads for adjacent property to permit safe access at controlled locations in order to expedite traffic, promote safety, and minimize roadside parking.

#### **§ 110. Project agreements**

(a) As soon as practicable after the plans, specifications, and estimates for a specific project have been approved, the Secretary shall enter into a formal project agreement with the State highway department concerning the construction and maintenance of such project. Such project agreement shall make provision for State funds required for the State's pro rata share of the cost of construction of such project and for the maintenance thereof after completion of construction.

(b) The Secretary may rely upon representations made by the State highway department with respect to the arrangements or agreements made by the State highway department and appropriate local officials where a part of the project is to be constructed at the expense of, or in cooperation with, local subdivisions of the State.

#### **§ 111. Agreements relating to use of and access to rights-of-way, Interstate System**

All agreements between the Secretary and the State highway department for the construction of projects on the Interstate System shall contain a clause providing that the State will not add any points of access to, or exit from, the project in addition to those approved by the Secretary in the plans for such project, without the prior approval of the Secretary. Such agreements shall also contain a clause providing that the State will not permit automotive service stations or other commercial establishments for serving motor vehicle users to be constructed or located on the rights-of-way of the Interstate System. Such agreements may, however, authorize a State or political subdivision thereof to use the airspace above and below the established grade line of the highway pavement for the parking of motor vehicles provided such use does not interfere in any way with the free flow of traffic on the Interstate System.

### **§ 112. Letting of contracts**

(a) In all cases where the construction is to be performed by the State highway department or under its supervision, a request for submission of bids shall be made by advertisement unless some other method is approved by the Secretary. The Secretary shall require such plans and specifications and such methods of bidding as shall be effective in securing competition.

(b) Construction of each project, subject to the provisions of subsection (a) of this section, shall be performed by contract awarded by competitive bidding, unless the Secretary shall affirmatively find that, under the circumstances relating to such project, some other method is in the public interest. All such findings shall be reported promptly in writing to the Committees on Public Works of the Senate and the House of Representatives.

(c) The Secretary shall require as a condition precedent to his approval of each contract awarded by competitive bidding pursuant to subsection (b) of this section, and subject to the provisions of this section, a sworn statement, executed by, or on behalf of, the person, firm, association, or corporation to whom such contract is to be awarded, certifying that such person, firm, association, or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with such contract.

(d) No contract awarded by competitive bidding pursuant to subsection (b) of this section, and subject to the provisions of this section, shall be entered into by any State highway department or local subdivision of the State without compliance with the provisions of this section, and without the prior concurrence of the Secretary in the award thereof.

(e) The provisions of this section shall not be applicable to contracts for projects on the Federal-aid secondary system in those States where the Secretary has discharged his responsibility pursuant to section 117 of this title.

### **§ 113. Prevailing rate of wage—Interstate System**

(a) **Application of Davis-Bacon Act.**—The Secretary shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors on the initial construction work performed on highway projects on the Interstate System authorized under section 108 (b) of the Federal-Aid Highway Act of 1956, shall be paid wages at rates not less than those prevailing on the same type of work on similar construction in the immediate



locality as determined by the Secretary of Labor in accordance with the Act of August 30, 1935, known as the Davis-Bacon Act (40 U. S. C., sec. 276 a).

**(b) Consultation with State highway departments; predetermination of rates.**—In carrying out the duties of subsection (a) of this section, the Secretary of Labor shall consult with the highway department of the State in which a project on the Interstate System is to be performed. After giving due regard to the information thus obtained, he shall make a predetermination of the minimum wages to be paid laborers and mechanics in accordance with the provisions of subsection (a) of this section which shall be set out in each project advertisement for bids and in each bid proposal form and shall be made a part of the contract covering the project.

#### **§ 114. Construction**

(a) The construction of any highways or portions of highways located on a Federal-aid system shall be undertaken by the respective State highway departments or under their direct supervision. Except as provided in section 117 of this title, such construction shall be subject to the inspection and approval of the Secretary. The construction work and labor in each State shall be performed under the direct supervision of the State highway department and in accordance with the laws of that State and applicable Federal laws. Construction may be begun as soon as funds are available for expenditure pursuant to subsection (a) of section 118 of this title.

(b) Convict labor shall not be used in such construction unless it is labor performed by convicts who are on parole or probation.

#### **§ 115. Construction by States in advance of apportionment—Interstate System**

(a) When a State has obligated all funds apportioned to it under subsection (b) (4) (5) of section 104 of this title, and proceeds to construct any project without the aid of Federal funds, including one or more parts of any project, on the Interstate System as designated at that time, in accordance with all procedures and all requirements applicable to projects financed with Interstate System funds authorized to be appropriated under subsection (b) of section 108 of the Federal-Aid Highway Act of 1956, except insofar as such procedures and requirements limit a State to the construction of projects with the aid of Federal funds previously apportioned to it, the Secretary, upon application by such State and his approval of such application, is authorized to pay to such State the Federal share of the costs of con-



struction of such project when additional funds are apportioned to such State under subsection (b) (4) (5) of section 104 of this title if:

(1) prior to the construction of the project the Secretary shall have approved the plans and specifications therefor in the same manner as other projects on the Interstate System, and

(2) the project shall conform to the standards adopted under subsection (b) of section 109 of this title.

(b) In determining the apportionment for any fiscal year under the provisions of subsection (b) (5) of section 104 of this title, any such project constructed by a State without the aid of Federal funds shall not be considered completed until an application under the provisions of this section with respect to such project has been approved by the Secretary.

#### **§ 116. Maintenance**

(a) Except as provided in subsection (d) of this section, it shall be the duty of the State highway department to maintain, or cause to be maintained, any project constructed under the provisions of this chapter or constructed under the provisions of prior Acts. The State's obligation to the United States to maintain any such project shall cease when it no longer constitutes a part of a Federal-aid system.

(b) In any State wherein the State highway department is without legal authority to maintain a project constructed on the Federal-aid secondary system, or within a municipality, such highway department shall enter into a formal agreement for its maintenance with the appropriate officials of the county or municipality in which such project is located.

(c) If at any time the Secretary shall find that any project constructed under the provisions of this chapter, or constructed under the provisions of prior Acts, is not being properly maintained, he shall call such fact to the attention of the State highway department. If, within ninety days after receipt of such notice, such project has not been put in proper condition of maintenance, the Secretary shall withhold approval of further projects of all types in the entire State until such project shall have been put in proper condition of maintenance, unless such project is subject to an agreement pursuant to subsection (b) of this section, in which case approval shall be withheld only for secondary or urban projects in the county or municipality where such project is located.

(d) The Federal-aid funds apportioned to the Territory of Alaska and the funds contributed by the Territory under section 120 of this

title may be expended for the maintenance of roads within the system or systems of roads agreed upon under section 103 (f) of this title under the same terms and conditions as for the construction of such roads.

### **§ 117. Secondary road responsibility**

(a) The Secretary may, upon the request of any State highway department, discharge his responsibility relative to the plans, specifications, estimates, surveys, contract awards, design, inspection, and construction of all projects on the Federal-aid secondary system by his receiving and approving a certified statement by the State highway department setting forth that the plans, design, and construction for each such project are in accord with those standards and procedures which (1) were adopted by such State highway department, (2) were applicable to projects in this category, and (3) were approved by him.

(b) The Secretary shall not approve such standards and procedures unless they are in accordance with the provisions of subsection (b) of section 105, subsection (b) of section 106, and subsection (c) of section 109, of this title.

(c) Subsections (a) and (b) of this section shall not be construed to relieve the Secretary of his obligation to make a final inspection of each project after construction and to require an adequate showing of the estimated cost of construction and the actual cost of construction.

### **§ 118. Availability of sums apportioned**

(a) On and after the date that the Secretary has certified to each State highway department the sums apportioned to each Federal-aid system or part thereof pursuant to an authorization under this title, or under prior Acts, such sums shall be available for expenditure under the provisions of this title.

(b) Such sums shall continue available for expenditure in that State for the appropriate Federal-aid system or part thereof for a period of two years after the close of the fiscal year for which such sums are authorized and any amounts so apportioned remaining unexpended at the end of such period shall lapse, except that any amount apportioned to the States for the Interstate System under subsection (b) (4) and (5) of section 104 of this title remaining unexpended at the end of the period during which it is available under this section shall lapse and shall immediately be reapportioned among the other States in accordance with the provisions of subsection (b) (5) of section 104 of this title. Such sums for any fiscal year shall be deemed to be



expended if a sum equal to the total of the sums apportioned to the State for such fiscal year and previous fiscal years is covered by formal project agreements providing for the expenditure of funds authorized by each Act which contains provisions authorizing the appropriation of funds for Federal-aid highways. Any Federal-aid highway funds released by the payment of the final voucher or by the modification of the formal project agreement shall be credited to the same class of funds, primary, secondary, urban, or interstate, previously apportioned to the State and be immediately available for expenditure.

(c) The total payments to any State shall not at any time during a current fiscal year exceed the total of all apportionments to such State in accordance with section 104 of this title for such fiscal year and all preceding fiscal years.

**§ 119. Administration of Federal aid for highways in Alaska**

(a) The Secretary shall administer the functions, duties, and authority pertaining to the construction, repair and maintenance of roads, tramways, ferries, bridges, trails, and other works in Alaska, conferred upon the Department of the Interior and, prior to September 16, 1956, administered by the Secretary of the Interior under the Act of June 30, 1932 (47 Stat. 446; 48 U. S. C., sec. 321a and following).

(b) The Secretary shall, by order or regulations, distribute the functions, duties, and authority required to be administered by him under subsection (a) of this section and appropriations pertaining thereto as he may deem proper to accomplish the economical and effective organization and administration thereof.

**§ 120. Federal share payable**

(a) Subject to the provisions of subsections (d) and (h) of this section, the Federal share payable on account of any project, financed with primary, secondary, or urban funds, on the Federal-aid primary system and the Federal-aid secondary system shall not exceed 50 per centum of the cost of construction, except that in the case of any State containing unappropriated and unreserved public lands and non-taxable Indian lands, individual and tribal, exceeding 5 per centum of the total area of all lands therein, the Federal share shall be increased by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State, is of its total area.

(b) Subject to the provisions of subsection (d) of this section, the Federal share payable on account of any project, financed with interstate funds on the Interstate System, authorized to be appropriated prior to June 29, 1956, shall not exceed 60 per centum of the cost of



construction, except that in the case of any State containing unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, exceeding 5 per centum of the total area of all lands therein, the Federal share shall be increased by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State, is of its total area. The provisions of subsection (a) of this section shall apply to any project financed with funds authorized by the provisions of section 2 of the Federal-Aid Highway Act of 1952.

(c) Subject to the provisions of subsection (d) of this section, the Federal share payable on account of any project on the Interstate System provided for by funds made available under the provisions of section 108 (b) of the Federal-Aid Highway Act of 1956 shall be increased to 90 per centum of the total cost thereof, plus a percentage of the remaining 10 per centum of such cost in any State containing unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, exceeding 5 per centum of the total area of all lands therein, equal to the percentage that the area of such lands in such State is of its total area, except that such Federal share payable on any project in any State shall not exceed 95 per centum of the total cost of such project.

(d) The Federal share payable on account of any project for the elimination of hazards of railway-highway crossings, as more fully described and subject to the conditions and limitations set forth in section 130 of this title, may amount to 100 per centum of the cost of construction of such projects, except that not more than 50 per centum of the right-of-way and property damage costs, paid from public funds, on any such project, may be paid from sums apportioned in accordance with section 104 of this title. Not more than 10 per centum of all the sums apportioned for all the Federal-aid systems for any fiscal year in accordance with section 104 of this title shall be used under this subsection or under section 130 of this title.

(e) The Secretary may rely on a statement from the Secretary of the Interior as to the area of the lands referred to in subsections (a) and (b) of this section. The Secretary of the Interior is authorized and directed to provide such statement annually.

(f) The Federal share payable on account of any repair or reconstruction provided for by funds made available under section 125 of this title shall not exceed 50 per centum of the cost thereof.

(g) The Secretary is authorized to cooperate with the State highway departments and with the Department of the Interior in the

construction of Federal-aid highways within Indian reservations and national parks and monuments under the jurisdiction of the Department of the Interior and to pay the amount assumed therefor from the funds apportioned in accordance with section 104 of this title to the State wherein the reservations and national parks and monuments are located.

(h) The Territory of Alaska shall contribute funds each fiscal year in an amount that shall be not less than 10 per centum of the Federal funds apportioned to it for such fiscal year, such contribution to be deposited in a special account in the Federal Treasury for use in conjunction with the Federal funds apportioned to the Territory. The Federal funds apportioned to the Territory of Alaska and the funds contributed by the Territory may be expended by the Secretary either directly or in cooperation with the Alaska Highway and Public Works Board and may be so expended separately or in combination and without regard to the matching provisions of this chapter.

#### **§ 121. Payment to States for construction**

(a) The Secretary may, in his discretion, from time to time as the work progresses, make payments to a State for costs of construction incurred by it on a project. These payments shall at no time exceed the Federal share of the costs of construction incurred to the date of the voucher covering such payment plus the Federal share of the value of the materials which have been stockpiled in the vicinity of such construction in conformity to plans and specifications for the project.

(b) After completion of a project in accordance with the plans and specifications, and approval of the final voucher by the Secretary, a State shall be entitled to payment out of the appropriate sums apportioned to it of the unpaid balance of the Federal share payable on account of such project.

(c) No payment shall be made under this chapter, except for a project located on a Federal-aid system and covered by a project agreement. No final payment shall be made to a State for its costs of construction of a project until the completion of the construction has been approved by the Secretary following inspections pursuant to section 114 (a) of this title.

(d) In making payments pursuant to this section, the Secretary shall be bound by the limitations with respect to the permissible amounts of such payments contained in sections 120 and 130 of this title. Payments for construction engineering on any one project shall not exceed the Federal share of 10 per centum of the cost of



construction of such project after excluding from the cost of construction the costs of rights-of-way, preliminary engineering, and construction engineering.

(e) Such payments shall be made to such official or officials or depository as may be designated by the State highway department and authorized under the laws of the State to receive public funds of the State.

#### **§ 122. Payment to States for bond retirement**

Any State that shall use the proceeds of bonds issued by the State, county, city, or other political subdivision of the State for the construction of one or more projects on the Federal-aid primary or Interstate System, or extensions of any of the Federal-aid highway systems in urban areas, may claim payment of any portion of the sums apportioned to it for expenditure on such system to aid in the retirement of the principal of such bonds at their maturities, to the extent that the proceeds of such bonds have been actually expended in the construction of one or more of such projects. Such claim for payment may be made only when all of the provisions of this title have been complied with to the same extent and with the same effect as though payment were to be made to the State under section 121 of this title, instead of this section, and the Federal share payable shall not exceed the pro rata basis of payment authorized in section 120 of this title. This section shall not be construed as a commitment or obligation on the part of the United States to provide funds for the payment of the principal of any such bonds.

#### **§ 123. Relocation of utility facilities**

(a) When a State shall pay for the cost of relocation of utility facilities necessitated by the construction of a project on the Federal-aid primary or secondary systems or on the Interstate System, including extensions thereof within urban areas, Federal funds may be used to reimburse the State for such cost in the same proportion as Federal funds are expended on the project. Federal funds shall not be used to reimburse the State under this section when the payment to the utility violates the law of the State or violates a legal contract between the utility and the State. Such reimbursement shall be made only after evidence satisfactory to the Secretary shall have been presented to him substantiating the fact that the State has paid such cost from its own funds with respect to Federal-aid highway projects for which Federal funds are obligated subsequent to April 16, 1958, for work, including relocation of utility facilities.



(b) The term "utility", for the purposes of this section, shall include publicly, privately, and cooperatively owned utilities.

(c) The term "cost of relocation", for the purposes of this section, shall include the entire amount paid by such utility properly attributable to such relocation after deducting therefrom any increase in the value of the new facility and any salvage value derived from the old facility.

#### **§ 124. Advances to States**

If the Secretary shall determine that it is necessary for the expeditious completion of projects on any of the Federal-aid systems, including the Interstate System, he may advance to any State out of any existing appropriations the Federal share of the cost of construction thereof to enable the State highway department to make prompt payments for acquisition of rights-of-way, and for the construction as it progresses. The sums so advanced shall be deposited in a special revolving trust fund, by the State official authorized under the laws of the State to receive Federal-aid highway funds, to be disbursed solely upon vouchers approved by the State highway department for rights-of-way which have been or are being acquired, and for construction which has been actually performed and approved by the Secretary pursuant to this chapter. Upon determination by the Secretary that any part of the funds advanced to any State under the provisions of this section are no longer required, the amount of the advance, which is determined to be in excess of current requirements of the State, shall be repaid upon his demand, and such repayments shall be returned to the credit of the appropriation from which the funds were advanced. Any sum advanced and not repaid on demand shall be deducted from sums due the State for the Federal pro rata share of the cost of construction of Federal-aid projects.

#### **§ 125. Emergency relief**

An emergency fund is authorized for expenditure by the Secretary in accordance with the provisions of this section. The Secretary may expend funds therefrom, after receipt of an application therefor from a State highway department, for the repair or reconstruction of highways and bridges on the Federal-aid highway systems, including the Interstate System, in accordance with the provisions of this chapter which he shall find have suffered serious damage as the result of disaster over a wide area, such as by floods, hurricanes, tidal waves, earthquakes, severe storms, landslides, or other catastrophes in any part of the United States. The appropriation of such moneys, not to

exceed \$30,000,000, as may be necessary for the initial establishment of this fund and for its replenishment on an annual basis is authorized. Pending such appropriation or replenishment, the Secretary may expend from existing Federal-aid highway appropriations, such sums as may be necessary for the immediate prosecution of the work herein authorized, such existing appropriations to be reimbursed from the appropriation hereinabove authorized when made. No funds shall be expended under the provisions of this section with respect to any such catastrophe in any State unless an emergency has been declared by the Governor of such State and concurred in by the Secretary.

#### **§ 126. Diversion**

(a) Since it is unfair and unjust to tax motor-vehicle transportation unless the proceeds of such taxation are applied to the construction, improvement, or maintenance of highways, after June 30, 1935, Federal aid for highway construction shall be extended only to those States that use at least the amounts provided by law on June 18, 1934, for such purposes in each State from State motor vehicle registration fees, licenses, gasoline taxes, and other special taxes on motor-vehicle owners and operators of all kinds for the construction, improvement, and maintenance of highways and administrative expenses in connection therewith, including the retirement of bonds for the payment of which such revenues have been pledged, and for no other purposes, under such regulations as the Secretary of Commerce shall promulgate from time to time.

(b) In no case shall the provisions of this section operate to deprive any State of more than one-third of the entire apportionment authorized under this chapter to which that State would be entitled in any fiscal year. The amount of any reduction in a State's apportionment shall be reapportioned in the same manner as any other unexpended balance at the end of the period during which it otherwise would be available in accordance with section 104 (b) of this title.

#### **§ 127. Vehicle weight and width limitation—Interstate System**

No funds authorized to be appropriated for any fiscal year under section 108 (b) of the Federal-Aid Highway Act of 1956 shall be apportioned to any State within the boundaries of which the Interstate System may lawfully be used by vehicles with weight in excess of eighteen thousand pounds carried on any one axle, or with a tandem-axle weight in excess of thirty-two thousand pounds, or with an overall gross weight in excess of seventy-three thousand two hundred and



eighty pounds, or with a width in excess of ninety-six inches, or the corresponding maximum weights or maximum widths permitted for vehicles using the public highways of such State under laws or regulations established by appropriate State authority in effect on July 1, 1956, whichever is the greater. Any amount which is withheld from apportionment to any State pursuant to the foregoing provisions shall lapse. This section shall not be construed to deny apportionment to any State allowing the operation within such State of any vehicles or combinations thereof that could be lawfully operated within such State on July 1, 1956.

#### **§ 128. Public hearings**

(a) Any State highway department which submits plans for a Federal-aid highway project involving the bypassing of, or going through, any city, town, or village, either incorporated or unincorporated, shall certify to the Secretary that it has had public hearings, or has afforded the opportunity for such hearings, and has considered the economic effects of such a location. Any State highway department which submits plans for an Interstate System project shall certify to the Secretary that it has had public hearings at a convenient location, or has afforded the opportunity for such hearings, for the purpose of enabling persons in rural areas through or contiguous to whose property the highway will pass to express any objections they may have to the proposed location of such highway.

(b) When hearings have been held under subsection (a), the State highway department shall submit a copy of the transcript of said hearings to the Secretary, together with the certification.

#### **§ 129. Toll roads, bridges and tunnels**

(a) **Federal aid.**—Notwithstanding the provisions of section 301 of this title, the Secretary may permit Federal participation, on the same basis and in the same manner as in the construction of free highways under this chapter, in the construction of any toll bridge, toll tunnel, or approach thereto, upon compliance with the conditions contained in this section. Such bridge, tunnel, or approach thereto, must be publicly owned and operated. Federal funds may participate in the approaches to a toll bridge or toll tunnel whether such bridge or tunnel is to be or has been constructed, or acquired, by the State or other public authority. The State highway department or departments must be a party or parties to an agreement with the Secretary whereby it or they undertake performance of the following obligations:



(1) all tolls received from the operation of the bridge or tunnel, less the actual cost of such operation and maintenance, shall be applied to the repayment to the State or other public authority of all of the costs of construction or acquisition of such bridge or tunnel, except that part which was contributed by the United States;

(2) no tolls shall be charged for the use of such bridge or tunnel after the State or other public authority shall have been so repaid; and

(3) after the date of final repayment, the bridge or tunnel shall be maintained and operated as a free bridge or free tunnel.

**(b) Approval as part of Interstate System.**—Upon a finding by the Secretary that such action will promote the development of an integrated Interstate System, the Secretary is authorized to approve as part of the Interstate System any toll road, bridge or tunnel, now or hereafter constructed which meets the standards adopted for the improvement of projects located on the Interstate System, when such toll road, bridge or tunnel is located on a route heretofore or hereafter designated as a part of the Interstate System. No Federal-aid highway funds shall be expended for the construction, reconstruction or improvement of any such toll road, except to the extent permitted by law after June 29, 1956. Nor Federal-aid highway funds shall be expended for the construction, reconstruction or improvement of any such toll bridge or tunnel, except to the extent permitted by law on or after June 29, 1956.

**(c) Approaches having other use.**—Funds authorized under prior Acts for expenditure on any of the Federal-aid highway systems, including the Interstate System, shall be available for expenditure on projects approaching any toll road, bridge or tunnel to a point where such project will have some use irrespective of its use for such toll road, bridge or tunnel.

**(d) Approaches having no other use.**—Funds authorized for the Interstate System shall be available for expenditure on Interstate System projects approaching any toll road on the Interstate System, although the project has no use other than an approach to such toll road, if an agreement satisfactory to the Secretary has been reached with the State prior to the approval of such project—

(1) that the section of toll road will become free to the public upon the collection of tolls sufficient to liquidate the cost of the toll road or any bonds outstanding at the time constituting a valid lien against such section of toll road covered in the agree-

ment and their maintenance and operation and debt service during the period of toll collections, and

(2) that there is one or more reasonably satisfactory alternate free routes available to traffic by which the toll section of the system may be bypassed.

### **§ 130. Railway-highway crossings**

(a) Except as provided in subsection (d) of section 120 of this title and subsection (b) of this section, the entire cost of construction of projects for the elimination of hazards of railway-highway crossings, including the separation or protection of grades at crossings, the reconstruction of existing railroad grade crossing structures, and the relocation of highways to eliminate grade crossings, may be paid from sums apportioned in accordance with section 104 of this title. In any case when the elimination of the hazards of a railway-highway crossing can be affected by the relocation of a portion of a railway at a cost estimated by the Secretary to be less than the cost of such elimination by one of the methods mentioned in the first sentence of this section, then the entire cost of such relocation project, except as provided in subsection (d) of section 120 of this title and subsection (b) of this section, may be paid from sums apportioned in accordance with section 104 of this title.

(b) The Secretary may classify the various types of projects involved in the elimination of hazards of railway-highway crossings, and may set for each such classification a percentage of the costs of construction which shall be deemed to represent the net benefit to the railroad for the purpose of determining the railroad's share of the cost of construction. The percentage so determined shall in no case exceed 10 per centum. The Secretary shall determine the appropriate classification of each project.

(c) Any railroad involved in a project for the elimination of hazards of railway-highway crossings paid for in whole or in part from sums made available for expenditure under this title, or prior Acts, shall be liable to the United States for the net benefit to the railroad determined under the classification of such project made pursuant to subsection (b) of this section. Such liability to the United States may be discharged by direct payment to the State highway department of the State in which the project is located, in which case such payment shall be credited to the cost of the project. Such payment may consist in whole or in part of materials and labor furnished by the railroad in connection with the construction of such



project. If any such railroad fails to discharge such liability within a six-month period after completion of the project, it shall be liable to the United States for its share of the cost, and the Secretary shall request the Attorney General to institute proceedings against such railroad for the recovery of the amount for which it is liable under this subsection. The Attorney General is authorized to bring such proceedings on behalf of the United States, in the appropriate district court of the United States, and the United States shall be entitled in such proceedings to recover such sums as it is considered and adjudged by the court that such railroad is liable for in the premises. Any amounts recovered by the United States under this subsection shall be credited to miscellaneous receipts.

### **§ 131. Areas adjacent to the Interstate System**

(a) **National policy.**—To promote the safety, convenience, and enjoyment of public travel and the free flow of interstate commerce and to protect the public investment in the National System of Interstate and Defense Highways, it is declared to be in the public interest to encourage and assist the States to control the use of and to improve areas adjacent to the Interstate System by controlling the erection and maintenance of outdoor advertising signs, displays, and devices adjacent to that system. It is declared to be a national policy that the erection and maintenance of outdoor advertising signs, displays, or devices within six hundred and sixty feet of the edge of the right-of-way and visible from the main-traveled way of all portions of the Interstate System constructed upon any part of right-of-way, the entire width of which is acquired subsequent to July 1, 1956, should be regulated, consistent with national standards to be prepared and promulgated by the Secretary, which shall include only the following four types of signs, and no signs advertising illegal activities:

(1) Directional or other official signs or notices that are required or authorized by law.

(2) Signs advertising the sale or lease of the property upon which they are located.

(3) Signs erected or maintained pursuant to authorization or permitted under State law, and not inconsistent with the national policy and standards of this section, advertising activities being conducted at a location within twelve miles of the point at which such signs are located.

(4) Signs erected or maintained pursuant to authorization in State law and not inconsistent with the national policy and stand-



ards of this section, and designed to give information in the specific interest of the traveling public.

**(b) Agreements.**—The Secretary of Commerce is authorized to enter into agreements with State highway departments (including such supplementary agreements as may be necessary) to carry out the national policy set forth in subsection (a) of this section with respect to the Interstate System within the State. Any such agreement shall include provisions for regulation and control of the erection and maintenance of advertising signs, displays, and other advertising devices in conformity with the standards established in accordance with subsection (a) of this section and may include, among other things, provisions for preservation of natural beauty, prevention of erosion, landscaping, reforestation, development of viewpoints for scenic attractions that are accessible to the public without charge, and the erection of markers, signs, or plaques, and development of areas in appreciation of sites of historical significance. Upon application of the State, any such agreement may, within the discretion of the Secretary of Commerce, consistent with the national policy, provide for excluding from application of the national standards segments of the Interstate System which traverse incorporated municipalities wherein the use of real property adjacent to the Interstate System is subject to municipal regulation or control, or which traverse other areas where the land use is clearly established by State law as industrial or commercial: *Provided, however,* That any such segment excluded from the application of such standards shall not be considered in computing the increase of the Federal share payable on account thereof.

**(c) Federal share.**—Notwithstanding the provisions of section 109 of this title, if an agreement pursuant to this section has been entered into with any State prior to July 1, 1961, the Federal share payable on account of any project on the Interstate System within that State provided for by funds authorized under the provisions of section 108 (b) of the Federal-Aid Highway Act of 1956, as amended by section 8 of the Federal-Aid Highway Act of 1958, to which the national policy and the agreement apply, shall be increased by one-half of one per centum of the total cost thereof, not including any additional cost that may be incurred in the carrying out of the agreement: *Provided,* That the increase in the Federal share which is payable hereunder shall be paid only from appropriations from moneys in the Treasury not otherwise appropriated, which such appropriations are hereby authorized.

**(d) Cooperation with other agencies.**—Whenever any portion of the Interstate System is located upon or adjacent to any public lands or reservations of the United States, the Secretary of Commerce may make such arrangements and enter into such agreements with the agency having jurisdiction over such lands or reservations as may be necessary to carry out the national policy set forth in subsection (a) of this section, and any such agency is authorized and directed to cooperate fully with the Secretary of Commerce in this connection.

**(e) Cost of acquisition of right to advertise or regulate advertising.**—Whenever a State shall acquire by purchase or condemnation the right to advertise or regulate advertising in an area adjacent to the right-of-way of a project on the Interstate System for the purpose of implementing this section, the cost of such acquisition shall be considered as a part of the cost of construction of such project and Federal funds may be used to pay the Federal pro rata share of such cost: *Provided*, That reimbursement to the State shall be made only with respect to that portion of such cost which does not exceed 5 per centum of the cost of the right-of-way for such project.

## CHAPTER 2—OTHER HIGHWAYS

Sec.

- 201. Authorizations.
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### § 201. Authorizations

The provisions of this title shall apply to all unappropriated authorizations contained in prior Acts, and also to all unexpended appropriations heretofore made, providing for the expenditure of Federal funds on the following classes of highways: Forest highways, forest development roads and trails, park roads and trails, parkways, Indian reservation roads, public lands highways, and defense access roads. All such authorizations and appropriations shall continue in full force and effect, but hereafter obligations entered into and expenditures made pursuant thereto shall be subject to the provisions of this title.

**§ 202. Apportionment or allocation**

(a) On or before January 1 next preceding the commencement of each fiscal year, the Secretary shall apportion the sums authorized to be appropriated for such fiscal year for forest highways in the several States, according to the area and value of the land owned by the United States within the national forests therein, which the Secretary of Agriculture is directed to determine and certify to the Secretary from such information, sources, and departments as the Secretary of Agriculture may deem most accurate.

(b) Sums authorized to be appropriated for forest development roads and trails shall be allocated by the Secretary of Agriculture according to the relative needs of the various national forests, taking into consideration the existing transportation facilities, value of timber or other resources served, relative fire danger, and comparative difficulties of road and trail construction.

(c) Sums authorized to be appropriated for public lands highways shall be allocated by the Secretary among those States having more than 5 per centum of their area in unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations, on the basis of need in such States, respectively, as determined by the Secretary upon application of the State highway departments of the respective States. Preference shall be given to those projects which are located on a Federal-aid system.

**§ 203. Availability of funds**

Funds now authorized for forest highways, forest development roads and trails, park roads and trails, parkways, Indian reservation roads, and public lands highways shall be available for contract upon apportionment, or a date not earlier than one year preceding the beginning of the fiscal year for which authorized if no apportionment is required. Any amount remaining unexpended for a period of two years after the close of the fiscal year for which authorized shall lapse. The Secretary of the Department charged with the administration of such funds is granted authority to incur obligations, approve projects, and enter into contracts under such authorizations and his action in doing so shall be deemed a contractual obligation of the United States for the payment of the cost thereof and such funds shall be deemed to have been expended when so obligated. Any funds heretofore or hereafter authorized for any fiscal year for forest highways, forest development roads and trails, park roads and trails, parkways, Indian roads, and public lands highways shall be deemed to have been expended if a sum equal to the total of the sums author-



ized for such fiscal year and previous fiscal years since and including the fiscal year ending June 30, 1955, shall have been obligated. Any of such funds released by payment of final voucher or modification of project authorizations shall be credited to the balance of unobligated authorizations and be immediately available for expenditure.

#### **§ 204. Forest highways**

(a) Funds available for forest highways shall be used by the Secretary to pay for the cost of construction and maintenance thereof. In connection therewith, the Secretary may enter into construction contracts and such other contracts with a State, or civil subdivision thereof as he deems advisable.

(b) Cooperation of States, counties, or other local subdivisions, may be accepted but shall not be required by the Secretary.

(c) Construction estimated to cost \$5,000 or more per mile, exclusive of bridges, shall be advertised and let to contract. If such estimated cost is less than \$5,000 per mile or if, after proper advertising, no acceptable bid is received or the bids are deemed excessive, the work may be done by the Secretary on his own account. For such purpose, the Secretary may purchase, lease, hire, rent, or otherwise obtain all necessary supplies, materials, tools, equipment, and facilities required to perform the work, and may pay wages, salaries, and other expenses for help employed in connection with such work.

(d) All appropriations for forest highways shall be administered in conformity with regulations jointly approved by the Secretary and the Secretary of Agriculture.

(e) The Secretary shall transfer to the Secretary of Agriculture from appropriations for forest highways such amounts as may be needed to cover necessary administrative expenses of the Forest Service in connection with the forest-highway program.

(f) Funds available for forest highways shall be available for adjacent vehicular parking areas and for sanitary, water, and fire control facilities.

#### **§ 205. Forest development roads and trails**

(a) Funds available for forest development roads and trails shall be used by the Secretary of Agriculture to pay for the cost of construction and maintenance thereof, including roads and trails, on experimental areas under Forest Service administration. In connection therewith, the Secretary of Agriculture may enter into construction contracts with a State or civil subdivision thereof, and issue such regulations as he deems advisable.

(b) Cooperation of States, counties, or other local subdivisions may be accepted but shall not be required by the Secretary of Agriculture.

(c) Construction estimated to cost \$10,000 or more per mile, exclusive of bridges, shall be advertised and let to contract. If such estimated cost is less than \$10,000 per mile or if, after proper advertising, no acceptable bid is received or the bids are deemed excessive, the work may be done by the Secretary of Agriculture on his own account. For such purpose, the Secretary of Agriculture may purchase, lease, hire, rent, or otherwise obtain all necessary supplies, materials, tools, equipment, and facilities required to perform the work, and may pay wages, salaries, and other expenses for help employed in connection with such work.

(d) Funds available for forest development roads and trails shall be available for adjacent vehicular parking areas and for sanitary, water, and fire control facilities.

#### **§ 206. Park roads and trails**

(a) Funds available for park roads and trails shall be used to pay for the cost of construction and improvement thereof.

(b) Appropriations for the construction and improvement of park roads shall be administered in conformity with regulations jointly approved by the Secretary and the Secretary of the Interior.

#### **§ 207. Parkways**

(a) Funds available for parkways shall be used to pay for the cost of construction and improvement thereof.

(b) Appropriations for the construction of parkways shall be administered in conformity with regulations jointly approved by the Secretary and the Secretary of the Interior.

(c) The location of parkways upon public lands, national forests, or other Federal reservations, shall be determined by agreement between the department having jurisdiction over such lands and the Secretary of the Interior.

#### **§ 208. Indian reservation roads**

(a) Funds available for Indian reservation roads and bridges shall be used to pay for the cost of construction and improvement thereof.

(b) The Secretary shall approve the location, type, and design of all projects for Indian reservation roads and bridges before any expenditures are made thereon and all construction thereof shall be under the general supervision of the Secretary.

(c) Indian labor may be employed in such construction and improvement under such rules and regulations as may be prescribed by the Secretary of the Interior.



**§ 209. Public lands highways**

(a) Funds available for public lands highways shall be used by the Secretary to pay for the cost of construction and maintenance thereof.

(b) The Secretary is authorized to cooperate with the State highway departments and with the Secretary of the Department having jurisdiction over the particular lands, in the survey, construction, and maintenance of public lands highways.

(c) The provisions of section 112 of this title are applicable to public lands highways.

**§ 210. Defense access roads**

(a) The Secretary is authorized, out of the funds appropriated for defense access roads, to provide for the construction and maintenance of defense access roads (including bridges, tubes, and tunnels thereon) to military reservations, to defense industries and defense industry sites, and to the sources of raw materials when such roads are certified to the Secretary as important to the national defense by the Secretary of Defense or such other official as the President may designate, and for replacing existing highways and highway connections that are shut off from the general public use by necessary closures or restrictions at military reservations and defense industry sites.

(b) Funds appropriated for the purposes of this section shall be available, without regard to apportionment among the several States, for paying all or any part of the cost of the construction and maintenance of defense access roads.

(c) Not exceeding \$5,000,000 of any funds appropriated under the Act approved October 16, 1951 (65 Stat. 422), may be used by the Secretary in areas certified to him by the Secretary of Defense as maneuver areas for such construction, maintenance, and repair work as may be necessary to keep the highways therein, which have been or may be used for training of the Armed Forces, in suitable condition for such training purposes and for repairing the damage caused to such highways by the operations of men and equipment in such training.

(d) Whenever any project for the construction of a circumferential highway around a city or of a radial intracity route thereto submitted by any State is certified by the Secretary of Defense, or such other official as the President may designate, as being important for civilian or military defense, such project may be constructed out of the funds heretofore or hereafter authorized to be appropriated for defense access roads.



(e) If the Secretary shall determine that the State highway department of any State is unable to obtain possession and the right to enter upon and use the required rights-of-way, lands, or interest in lands, improved or unimproved, required for any project authorized by this section with sufficient promptness, the Secretary is authorized to acquire, enter upon, take possession thereof, and expend funds for projects thereon, prior to approval of title by the Attorney General, in the name of the United States, such rights-of-way, lands, or interest in lands as may be required in such State for such projects by purchase, donation, condemnation, or otherwise in accordance with the laws of the United States (including the Act of February 26, 1931; 46 Stat. 1421). The cost incurred by the Secretary in acquiring any such rights-of-way, lands, or interest in lands may include the cost of examination and abstract of title, certificate of title, advertising, and any fees incidental to such acquisition; and shall be payable out of the funds available for paying the cost or the Federal share of the cost of the project for which such rights-of-way, lands, or interests in lands are acquired. The Secretary is further authorized and directed by proper deed executed in the name of the United States to convey any lands or interests in lands acquired in any State under the provisions of prior Acts or of this section to the State highway department of such State or to such political subdivision thereof as its laws may provide, upon such terms and conditions as may be agreed upon by the Secretary and the State highway department, or political subdivisions to which the conveyance is to be made.

(f) The provisions of section 112 of this title are applicable to defense access roads.

### **§ 211. Timber access road hearings**

With respect to any proposed construction of a timber access road from funds authorized for carrying out the provisions of sections 204, 205, and 210 of this title, advisory public hearings may be held at a place of convenient or adjacent to the area of construction with notice and reasonable opportunity for interested persons to present their views as to the practicability and feasibility of such construction.

### **§ 212. Inter-American Highway**

(a) Funds appropriated for the Inter-American Highway shall be used to enable the United States to cooperate with the Governments of the American Republics situated in Central America—that is, with the Governments of the Republic of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama—in the survey and con-

struction of the Inter-American Highway within the borders of the aforesaid Republics, respectively. Not to exceed one-third of the appropriation authorized for each fiscal year may be expended without requiring the country or countries in which such funds may be expended to match any part thereof, if the Secretary of State shall find that the cost of constructing said highway in such country or countries will be beyond their reasonable capacity to bear. The remainder of such authorized appropriations shall be available for expenditure only when matched to the extent required by this section by the country in which such expenditure may be made. Expenditures from the funds available on a matching basis shall not be made for the survey and construction of any portion of said highway within the borders of any country named herein unless such country shall provide and make available for expenditure in conjunction therewith a sum equal to at least one-third of the expenditures that may be incurred by that Government and the United States on such portion of the highway. All expenditures by the United States under the provisions of this section for material, equipment, and supplies shall, whenever practicable, be made for products of the United States or of the country in which such survey or construction work is being carried on. Construction work to be performed under contract shall be advertised for a reasonable period by the Minister of Public Works, or other similar official, of the government concerned in each of the participating countries and contracts shall be awarded pursuant to such advertisements with the approval of the Secretary. No part of the appropriations authorized shall be available for obligation or expenditure for work on said highway in any cooperating country unless the government of said country shall have assented to the provisions of this section; shall have furnished satisfactory assurances that it has an organization adequately qualified to administer the functions required of such country under the provisions hereof; and then only as such country may submit requests, from time to time, for the construction of any portion of the highway to standards adequate to meet present and future traffic needs. No part of said appropriations shall be available for obligation or expenditure in any such country until the government of that country shall have entered into an agreement with the United States which shall provide, in part, that said country—

- (1) will provide, without participation of funds authorized, all necessary rights-of-way for the construction of said highway, which rights-of-way shall be of a minimum width where prac-



licable of one hundred meters in rural areas and fifty meters in municipalities and shall forever be held inviolate as a part of the highway for public use;

(2) will not impose any highway toll, or permit any such toll to be charged, for use by vehicles or persons of any portion of said highway constructed under the provisions of this section;

(3) will not levy or assess, directly or indirectly, any fee, tax, or other charge for the use of said highway by vehicles or persons from the United States that does not apply equally to vehicles or persons of such country;

(4) will continue to grant reciprocal recognition of vehicle registration and drivers' licenses in accordance with the provisions of the Convention for the Regulation of Inter-American Automotive Traffic, which was opened for signature at the Pan American Union in Washington on December 15, 1943, and to which such country and the United States are parties, or of any other treaty or international convention establishing similar reciprocal recognition; and

(5) will provide for the maintenance of said highway after its completion in condition adequately to serve the needs of present and future traffic.

(b) The survey and construction work authorized by this section shall be under the administration of the Secretary, who shall consult with the appropriate officials of the Department of State with respect to matters involving the foreign relations of this Government, and such negotiations with the Governments of the American Republics named in subsection (a) of this section as may be required to carry out the purposes of this section shall be conducted through, or as authorized by, the Department of State.

(c) The provisions of this section shall not create nor authorize the creation of any obligations on the part of the Government of the United States with respect to any expenditures for highway construction or survey heretofore or hereafter undertaken in any of the countries enumerated in subsection (a) of this section, other than the expenditures authorized by the provisions of this section.

(d) Appropriations made pursuant to any authorizations heretofore, or hereafter enacted for the Inter-American Highway shall be considered available for expenditure by the Secretary for necessary administrative and engineering expenses in connection with the Inter-American Highway program.



**§ 213. Rama Road**

(a) Recognizing the mutual benefits that will accrue to the Republic of Nicaragua and to the United States from the completion of the road from San Benito to Rama in said Republic of Nicaragua, the construction of which road was begun and partially completed pursuant to an agreement between said Republic and the United States, the Secretary is authorized out of the funds appropriated for such purposes to provide for the construction of such road. Appropriations made for such purposes shall remain available until expended. No expenditure shall be made hereunder for the construction of said road until a request therefor shall have been received by the Secretary of State from the Government of the Republic of Nicaragua nor until an agreement shall have been entered into by said Republic with the the Secretary of State which shall provide, in part, that said Republic—

(1) will provide, without participation of funds authorized under this title, or under prior Acts, all necessary right-of-way for the construction of said highway, which right-of-way shall be of a minimum width, where practicable, of one hundred meters in rural areas and fifty meters in municipalities and shall forever be held inviolate as a part of the highway for public use;

(2) will not impose any highway toll, or permit any such toll to be charged for the use of said highway by vehicles or persons;

(3) will not levy or assess, directly or indirectly, any fee, tax, or other charge for the use of said road by vehicles or persons from the United States that does not apply equally to vehicles or persons of such Republic;

(4) will continue to grant reciprocal recognition of vehicle registration and drivers' licenses in accordance with the provisions of the Convention for the Regulation of Inter-American Automotive Traffic, which was opened for signature at the Pan American Union in Washington on December 15, 1943, and to which such Republic and the United States are parties; or any other treaty or international convention establishing similar reciprocal recognition; and

(5) will maintain said road after its completion in proper condition adequately to serve the neds of present and future traffic.

(b) The funds appropriated for such purposes shall be available for expenditure in accordance with the terms of this section for the

survey and construction of said road from San Benito to Rama in the Republic of Nicaragua without being matched by said Republic, and all expenditures made under the provisions of this section for materials, equipment, and supplies, shall, whenever practicable, be made for products of the United States or of the Republic of Nicaragua.

(c) The survey and construction work undertaken pursuant to this section shall be under the general supervision of the Secretary.

### CHAPTER 3. GENERAL PROVISIONS

Sec.

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#### **§ 301. Freedom from tolls**

Except as provided in section 129 of this title with respect to certain toll bridges and toll tunnels, all highways constructed under the provisions of this title shall be free from tolls of all kinds.

#### **§ 302. State highway department**

(a) Any State desiring to avail itself of the provisions of this title shall have a State highway department which shall have adequate powers, and be suitably equipped and organized to discharge to the satisfaction of the Secretary the duties required by this title. Among other things, the organization shall include a secondary road unit.

(b) The State highway department may arrange with a county or group of counties for competent highway engineering personnel suitably organized and equipped to the satisfaction of the State highway department, to supervise construction and maintenance on a county-unit or group-unit basis, for the construction of projects on the Federal-aid secondary system, financed with secondary funds, and for the maintenance thereof.



### **§ 303. Bureau organization**

(a) The Bureau of Public Roads shall be in the Department of Commerce as a primary unit administered by the Federal Highway Administrator, appointed by the President by and with the advice and consent of the Senate. The Administrator shall receive basic compensation at the rate prescribed by law for Assistant Secretaries of executive departments and shall perform such duties as the Secretary of Commerce may prescribe or as may be required by law. There shall be a Commissioner of Public Roads in the Bureau of Public Roads who shall be appointed by the Secretary and perform such duties as may be prescribed by the Federal Highway Administrator. The Commissioner of Public Roads shall receive basic compensation at the rate of \$17,500 per annum.

(b) The Secretary is authorized to employ such assistants, clerks, and other persons in the city of Washington and elsewhere, to be taken from the eligible lists of the Civil Service Commission, to rent buildings outside of the city of Washington, to purchase such supplies, material, equipment, office fixtures and apparatus, to advertise in the city of Washington for work to be performed in areas adjacent thereto, and to incur, and authorize the incurring of, such travel and other expenses as he may deem necessary for carrying out the functions under this title.

(c) The Secretary is authorized to procure temporary services in accordance with the provisions of section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), but at rates for individuals not in excess of \$100 diem.

### **§ 304. Participation by small business enterprises**

It is declared to be in the national interest to encourage and develop the actual and potential capacity of small business and to utilize this important segment of our economy to the fullest practicable extent in construction of the Federal-aid highway systems, including the Interstate System. In order to carry out that intent and encourage full and free competition, the Secretary should assist, insofar as feasible, small business enterprises in obtaining contracts in connection with the prosecution of the highway program.

### **§ 305. Archeological and paleontological salvage**

Funds authorized to be appropriated under the Federal-Aid Highway Act of 1956, to the extent approved as necessary by the highway department of any State, may be used for archeological and paleontological salvage in that State in compliance with the Act entitled "An



Act for the preservation of American antiquities", approved June 8, 1906 (34 Stat. 225), and State laws where applicable.

### **§ 306. Mapping**

In carrying out the provisions of this title, the Secretary may, wherever practicable, authorize the use of photogrammetric methods in mapping, and the utilization of commercial enterprise for such services.

### **§ 307. Research and planning**

(a) The Secretary is authorized in his discretion to engage in research on all phases of highway construction, modernization, development, design, maintenance, safety, financing, and traffic conditions, including the effect thereon of State laws and is authorized to test, develop, or assist in the testing and developing of any material, invention, patented article, or process. The Secretary may publish the results of such research. The Secretary may carry out the authority granted hereby, either independently, or in cooperation with any other branch of the Government, State agency, authority, association, institution, corporation (profit or nonprofit), or any other organization, or person. The funds required to carry out the provisions of this subsection shall be taken out of the administrative and research funds authorized by section 104 of this title and such funds as may be deposited in a special account with the Secretary of the Treasury for such purposes by any cooperating organization or person. The provisions of section 3709 of the Revised Statutes, as amended (41 U. S. C. 5), shall not be applicable to contracts or agreements made under the authority of this subsection.

(b) The Secretary shall include in the highway research program herein authorized studies of economic highway geometrics, structures, and desirable weight and size standards for vehicles using the public highways and of the feasibility of uniformity in State regulations with respect to such standards and he shall report from time to time to the Committees on Public Works of the Senate and of the House of Representatives on the progress and findings with respect to such studies.

(c) Not to exceed 1½ per centum of the sums apportioned for any year to any State under section 104 of this title shall be available for expenditure upon request of the State highway department, with the approval of the Secretary, with or without State funds, for engineering and economic surveys and investigations, for the planning of future highway programs and the financing thereof, for studies of the

economy, safety, and convenience of highway usage and the desirable regulation and equitable taxation thereof, and for research necessary in connection with the planning, design, construction, and maintenance of highways and highway systems, and the regulation and taxation of their use.

**§ 308. Cooperation with Federal and State agencies and foreign countries**

(a) The Secretary is authorized to perform by contract or otherwise, authorized engineering or other services in connection with the survey, construction, maintenance, or improvement of highways for other Government agencies, cooperating foreign countries, and State cooperating agencies, and reimbursement for such services, which may include depreciation on engineering and road-building equipment used, shall be credited to the appropriation concerned.

(b) Appropriations for the work of the Bureau of Public Roads shall be available for expenses of warehouse maintenance and the procurement, care, and handling of supplies, materials, and equipment for distribution to projects under the supervision of the Bureau of Public Roads, or for sale or distribution to other Government agencies, cooperating foreign countries, and State cooperating agencies, and the cost of such supplies and materials or the value of such equipment, including the cost of transportation and handling, may be reimbursed to current applicable appropriations.

**§ 309. Cooperation with other American Republics**

The President is authorized to utilize the services of the Bureau of Public Roads in fulfilling the obligations of the United States under the Convention on the Pan-American Highway Between the United States and Other American Republics (51 Stat. 152), cooperating with several governments, members of the Organization of American States, in connection with the survey and construction of the Inter-American Highway, and for performing engineering service in the other American Republics for and upon the request of any agency or governmental corporation of the United States. To the extent authorized in appropriation acts, administrative funds available in accordance with subsection (a) of section 104 of this title shall be available annually for the purpose of this section.

**§ 310. Civil defense**

In order to assure that adequate consideration is given to civil defense aspects in the planning and construction of highways constructed or reconstructed with the aid of Federal funds, the Secre-



tary of Commerce is authorized and directed to consult, from time to time, with the Federal Civil Defense Administrator relative to the civil defense aspects of highways so constructed or reconstructed.

**§ 311. Highway improvements strategically important to the national defense**

Funds made available under subsection (a) of section 104 of this title may be used to pay the entire engineering costs of the surveys, plans, specifications, estimates, and supervision of construction of projects for such urgent improvements of highways strategically important from the standpoint of the national defense as may be undertaken on the order of the Secretary and as the result of request of the Secretary of Defense or such other official as the President may designate. With the consent of a State, funds made available under subsection (b) of section 104 of this title may be used to the extent deemed necessary and advisable by the Secretary to carry out the provisions of this section.

**§ 312. Detail of Army, Navy, and Air Force officers**

The Secretary of Defense, upon request of the Secretary, is authorized to make temporary details to the Bureau of Public Roads of officers of the Army, the Navy, and the Air Force, without additional compensation, for technical advice and for consultation regarding highway needs for the national defense. Travel and subsistence expenses of officers so detailed shall be paid from appropriations available to the Department of Commerce on the same basis as authorized by law and by regulations of the Department of Defense for such officers.

**§ 313. Highway Safety Conference**

The Secretary is authorized and directed to assist in carrying out the action program of the President on highway safety, and to cooperate with the State highway departments and other agencies in this program to advance the cause of safety on highways. Not to exceed \$150,000 out of the administrative funds made available in accordance with subsection (a) of section 104 of this title may be expended annually for the purposes of this section.

**§ 314. Relief of employees in hazardous work**

The Secretary is authorized in an emergency to use appropriations to the Department of Commerce for carrying out the provisions of this title for medical supplies, services, and other assistance necessary for the immediate relief of employees of the Bureau of Public Roads engaged in hazardous work.



**§ 315. Detail of employees as students**

During any fiscal year the Secretary is authorized in his discretion to detail not to exceed ten of the regularly employed personnel of the Bureau of Public Roads as students for limited periods at such technical institutions as will enable such personnel to acquire special knowledge which will better fit them for the lines of work to which they are assigned. No expense other than the salaries of such personnel and the cost of tuition and other regular fees required at such institutions shall be incurred by the Secretary under this section.

**§ 316. Rules, regulations, and recommendations**

Except as provided in sections 204 (d), 205 (a), 206 (b), 207 (b), and 208 (c) of this title, the Secretary is authorized to prescribe and promulgate all needful rules and regulations for the carrying out of the provisions of this title. The Secretary may make such recommendations to the Congress and State highway departments as he deems necessary for preserving and protecting the highways and insuring the safety of traffic thereon.

**§ 317. Consent by United States to conveyance of property**

For the purposes of this title the consent of the United States is given to any railroad or canal company to convey to the State highway department of any State, or its nominee, any part of its right-of-way or other property in that State acquired by grant from the United States.

**§ 318. Appropriation for highway purposes of lands or interests in lands owned by the United States**

(a) If the Secretary determines that any part of the lands or interests in lands owned by the United States is reasonably necessary for the right-of-way of any highway, or as a source of materials for the construction or maintenance of any such highway adjacent to such lands or interests in lands, the Secretary shall file with the Secretary of the Department supervising the administration of such lands or interests in lands a map showing the portion of such lands or interests in lands which it is desired to appropriate.

(b) If within a period of four months after such filing, the Secretary of such Department shall not have certified to the Secretary that the proposed appropriation of such land or material is contrary to the public interest or inconsistent with the purposes for which such land or materials have been reserved, or shall have agreed to the appropriation and transfer under conditions which he deems necessary for the adequate protection and utilization of the reserve, then such land and materials may be appropriated and transferred to the State

highway department, or its nominee, for such purposes and subject to the conditions so specified.

(c) If at any time the need for any such lands or materials for such purposes shall no longer exist, notice of the fact shall be given by the State highway department to the Secretary and such lands or materials shall immediately revert to the control of the Secretary of the Department from which they had been appropriated.

(d) The provisions of this section shall apply only to projects constructed on a Federal-aid system or under the provisions of chapter 3 of this title.

### **§ 319. Highway relocation due to airport**

Federal highway funds shall not be used for the reconstruction or relocation of any highway giving access to an airport constructed or extended after December 20, 1944, or for the reconstruction or relocation of any highway which has been or may be closed or the usefulness of which has been or may be impaired by the location or construction of any airport constructed or extended after December 20, 1944, unless, prior to such construction or extension, as the case may be, the State highway department and the Secretary have concurred with the officials in charge of the airport that the location of such airport or extension thereof and the consequent reconstruction or relocation of the highway are in the public interest.

### **§ 320. Landscaping**

The construction of highways by the States with funds apportioned in accordance with section 104 of this title may include such roadside and landscape development, including such sanitary and other facilities as may be deemed reasonably necessary to provide for the suitable accommodation of the public, all within the highway right-of-way and adjacent publicly owned or controlled rest and recreational areas of limited size and with provision for convenient and safe access thereto by pedestrian and vehicular traffic, as may be approved by the Secretary. Such construction likewise may include the purchase of such adjacent strips of land of limited width and primary importance for the preservation of the natural beauty through which highways are constructed, as may be approved by the Secretary. Not to exceed 3 per centum of such sums, apportioned to a State in any fiscal year in accordance with section 104 of this title may be used by it for the purchase of such adjacent strips of land without being matched by such State.



**§ 321. Bridges on Federal dams**

(a) Each executive department, independent establishment, office, board, bureau, commission, authority, administration, corporation wholly owned or controlled by the United States, or other agency of the Government of the United States, hereinafter collectively and individually referred to as "agency", which on or after July 29, 1946, has jurisdiction over and custody of any dam constructed or to be constructed and owned by or for the United States, is authorized, with any funds available to it, to design and construct any such dam in such manner that it will constitute and serve as a suitable and adequate foundation to support a public highway bridge upon and across such dam, and to design and construct upon the foundation thus provided a public highway bridge upon and across such dam. The highway department of the State in which such dam shall be located, jointly with the Secretary, shall first determine and certify to such agency that such bridge is economically desirable and needed as a link in the State or Federal-aid highway systems, and shall request such agency to design and construct such dam so that it will serve as a suitable and adequate foundation for a public highway bridge and to design and construct such public highway bridge upon and across such dam, and shall agree to reimburse such agency pursuant to subsection (d) of this section for any additional costs which it may be required to incur because of the design and construction of such dam so that it will serve as a foundation for a public highway bridge and for expenditures which it may find it necessary to make in designing and constructing such public highway bridge upon and across such dam. In no case shall the design and construction of a bridge upon and across such dam be undertaken hereunder except by the agency having jurisdiction over and custody of the dam, acting directly or through contractors employed by it, and after such agency shall determine that it will be structurally feasible and will not interfere with the proper functioning and operation of the dam.

(b) Construction of any bridge upon and across any dam pursuant to this section shall not be commenced unless and until the State in which such bridge is to be located, or the appropriate subdivision of such State, shall enter into an agreement with such agency and with the Secretary to construct, or cause to be constructed, with or without the aid of Federal funds, the approach roads necessary to connect such bridge with existing public highways and to maintain, or cause to be maintained, such approach roads from and after their completion.



Such agreement may also provide for the design and construction of such bridge upon and across the dam by such agency of the United States and for reimbursing such agency the costs incurred by it in the design and construction of the bridge as provided in subsection (d) of this section. Any such agency is hereby authorized to convey to the State, or to the appropriate subdivision thereof, without costs, such easements and rights-of-way in its custody or over lands of the United States in its custody and control as may be necessary, convenient, or proper for the location, construction, and maintenance of the approach roads referred to in this section including such roadside parks or recreational areas of limited size as may be deemed necessary for the accommodation of the traveling public. Any bridge constructed pursuant to this section upon and across a dam in the custody and jurisdiction of any agency of the United States, including such portion thereof, if any, as may extend beyond the physical limits of the dam, shall constitute and remain a part of said dam and be maintained by the agency. Any such agency may enter into any such contracts and agreements with the State or its subdivisions respecting public use of any bridge so located and constructed as may be deemed appropriate, but no such bridge shall be closed to public use by the agency except in cases of emergency or when deemed necessary in the interest of national security.

(c) All costs and expenses incurred and expenditures made by any agency in the exercise of the powers and authority conferred by this section (but not including any costs, expenses, or expenditures which would have been required in any event to satisfy a legal road or bridge relocation obligation or to meet operating or other agency needs) shall be recorded and kept separate and apart from the other costs, expenses, and expenditures of such agency, and no portion thereof shall be charged or allocated to flood control, navigation, irrigation, fertilized production, the national defense, the development of power, or other program, purpose, or function of such agency.

(d) Not to exceed \$10,000,000 of any money heretofore or hereafter appropriated for expenditure in accordance with the provisions of this title or prior Acts shall be available for expenditure by the Secretary in accordance with the provisions of this section, as an emergency fund, to reimburse any agency for any additional costs or expenditures which it may be required to incur because of the

design and construction of any such dam so that it will constitute and serve as a foundation for a public highway bridge upon and across such dam and to reimburse any such agency for any costs, expenses, or expenditures which it may be required to make in designing and constructing any such bridge upon and across a dam in accordance with the provisions of this section, except such costs, expenses, or expenditures as would have been required of such agency in any event to satisfy a legal obligation to relocate a highway or bridge or to meet operating or other agency needs, and there is authorized to be appropriated any sum or sums necessary to reimburse the funds so expended by the Secretary from time to time under the authority of this section. Of each bridge constructed upon and across a dam under the provisions of this section, there may be financed wholly with Federal funds that portion thereof which is located within the physical limits of the masonry structure, or structures, of the dam, and the Secretary shall in his sole discretion determine what additional portion of the bridge, if any, may be so financed, such determination to be final and conclusive. The remainder of the bridge, and any necessary related approach roads, shall be financed by the State or its appropriate subdivision with or without the aid of Federal funds; but said portion of the bridge so financed by the State or its subdivisions, including such portion thereof, if any, as may extend beyond the physical limits of the dam, shall nevertheless be designed and constructed solely by the agency having custody and jurisdiction of the dam as provided in subsection (a) of this section.

(e) In making, reviewing, or approving the design of any bridge or approach structure to be constructed under this section, the agency shall, in matters relating to roadway design, loadings, clearances and widths, and traffic safeguards, give full consideration to and be guided by the standards and advice of the Secretary.

(f) The authority conferred by this section shall be in addition to and not in limitation of authority conferred upon any agency by any other law, and nothing in this section contained shall affect or be deemed to relate to any bridge, approach structure, or highway constructed or to be constructed by any such agency in furtherance of its lawful purposes and requirements or to satisfy a legal obligation incurred independently of this section.



REPEAL OF PRIOR ACTS

SEC. 2. The following Acts and portion of Acts cited by reference to the Statutes at Large, except for the provisions and sections hereinafter excepted, are hereby repealed :

1. Act of July 11, 1916 (39 Stat., ch. 241, page 355).
2. Sections 5, 6, 7, 8, and 9 of Act of February 28, 1919 (40 Stat., ch. 60, page 1189 at 1200-1202).
3. Act of November 9, 1921 (42 Stat., ch. 119, page 212).
4. Section 4 of Act of June 19, 1922 (42 Stat., ch. 227, page 652 at 660-661).
5. Section 1 of Act of March 10, 1924 (43 Stat., ch. 46, page 17).
6. Act of February 12, 1925 (43 Stat., ch. 219, page 889).
7. Act of June 22, 1926 (44 Stat., ch. 648, page 760).
8. Act of March 3, 1927 (44 Stat., ch. 370, page 1398).
9. Act of May 21, 1928 (45 Stat., ch. 660, page 683).
10. Act of May 26, 1928 (45 Stat., ch. 755, page 750).
11. Act of April 4, 1930 (46 Stat., ch. 105, page 141).
12. Act of May 5, 1930 (46 Stat., ch. 226, page 261).
13. Act of June 24, 1930 (46 Stat., ch. 593, page 805).
14. Act of February 20, 1931 (46 Stat., ch. 231, page 1173).
15. Act of February 23, 1931 (46 Stat., ch. 283, page 1415).
16. Section 304 of Act of July 21, 1932 (47 Stat., ch. 520, page 709 at 722).
17. Subsection (g) of section 204 of Act of June 16, 1933 (48 Stat., ch. 90, page 195 at 204).
18. Act of June 18, 1934 (48 Stat., ch. 586, page 993).
19. Act of June 16, 1936 (49 Stat., ch. 582, page 1519).
20. Act of June 23, 1936 (49 Stat., ch. 730, page 1891).
21. Act of June 8, 1938 (52 Stat., ch. 328, page 633), except the following provision : Section 4 thereof.
22. Act of July 19, 1939 (53 Stat., ch. 328, page 1066).
23. Act of September 5, 1940 (54 Stat., ch. 715, page 867).
24. Act of November 19, 1941 (55 Stat., ch. 474, page 765).
25. Act of July 2, 1942 (56 Stat., ch. 474, page 562).
26. Act of July 13, 1943 (57 Stat., ch. 236, page 560), except the following provision : Subsection (a) of section 7 thereof.



27. Act of April 4, 1944 (58 Stat., ch. 164, page 189).

28. Act of December 20, 1944 (58 Stat., ch. 626, page 838).

29. Act of July 31, 1945 (59 Stat., ch. 333, page 507).

30. Act of July 29, 1946 (60 Stat., ch. 694, page 709).

31. Act of June 21, 1947 (61 Stat., ch. 114, page 136).

32. Act of June 29, 1948 (62 Stat., ch. 732, page 1105).

33. Act of September 7, 1950 (64 Stat. 785).

34. Act of October 15, 1951 (65 Stat., ch. 501, page 421), except the following provision: Section 1 thereof.

35. Act of October 16, 1951 (65 Stat., ch. 507, page 422).

36. Act of June 25, 1952 (66 Stat., ch. 462, page 158), except the following provisions:

(a) The first two paragraphs of section 1;

(b) The first sentence of section 2;

(c) In section 3 in the first sentence the following words: "For the purpose of carrying out the provisions of section 23 of the Federal Highway Act (42 Stat. 218), as amended and supplemented, there is hereby authorized to be appropriated (1) for forest highways the sum of \$22,500,000 for the fiscal year ending June 30, 1954, and a like sum for the fiscal year ending June 30, 1955, and (2) for forest development roads and trails the sum of \$22,500,000 for the fiscal year ending June 30, 1955.";

(d) In subsection (a) of section 4 the following words: "For the construction, reconstruction, and improvement of roads and trails, inclusive of necessary bridges, in national parks, monuments, and other areas administered by the National Park Service, including areas authorized to be established as national parks and monuments, and national park and monument approach roads authorized by the Act of January 31, 1931 (46 Stat. 1053), as amended, there is hereby authorized to be appropriated the sum of \$10,000,000 for the fiscal year ending June 30, 1955.";

(e) Subsection (b) of section 4;

(f) In subsection (c) of section 4 the following words: "For the construction, improvement, and maintenance of Indian reservation roads and bridges and roads and bridges to provide access to Indian reservations and Indian lands under the provisions of the Act approved May 26, 1928 (45 Stat. 750), there is hereby authorized to be appropriated the sum of \$10,000,000 for the fiscal year ending June 30, 1955.";

(g) In the first sentence of section 5 the following words: "Recognizing the mutual benefits that will accrue to the Republic of Nica-

ragua and to the United States from the completion of the road from San Benito to Rama in said Republic of Nicaragua, the construction of which road was begun and partially completed pursuant to an agreement between said Republic and the United States, there is hereby authorized to be appropriated \$2,000,000 for the fiscal year ending June 30, 1954, for the construction of such road, to be available until expended.”;

(h) The first sentence of section 6;

(i) In section 8 the following words: “For the purpose of carrying out the provisions of section 10 of the Federal-Aid Highway Act of 1950 (64 Stat. 785), there is hereby authorized to be appropriated for the survey, construction, reconstruction, and maintenance of main roads through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations the sum of \$2,500,000 for the fiscal year ending June 30, 1955, to remain available until expended.”

(j) Section 10 to the first proviso.

37. Act of May 6, 1954 (68 Stat., ch. 181, page 70), except the following provisions:

(a) The first two paragraphs of section 1;

(b) The last five provisos of section 1;

(c) The first sentence of subsection (a) of section 2;

(d) The first sentence of section 3 to the word “*Provided*”;

(e) Section 4 to the word “*Provided*”;

(f) Section 5;

(g) The first sentence of section 7;

(h) Section 8 to the word “*Provided*”;

(i) Section 14;

(j) Section 18; and

(k) Section 22.

38. Title I of the Act of June 29, 1956 (70 Stat. 374), except the following provisions:

(a) Subsection (a) (1) (2) of section 102;

(b) The first sentence of section 103 (a) to the word “*Provided*”;

(c) Section 104 (a), section 104 (b) and section 104 (c), to the word “*Provided*”;

(d) Section 105;

(e) Subsections (b), (c) and (d) of section 107;

(f) Section 108 (b) (c);

(g) Section 108 (k);

(h) Section 114;

- (i) Section 117; and
- (j) The last proviso of section 118.

39. Sections 1 and 3 of the Act approved August 3, 1956 (70 Stat. 990).

40. Act of April 16, 1958 (72 Stat. 89) except the following provisions:

- (a) Subsection (a) (1) (2) of section 1;
- (b) Section 2;
- (c) The first sentence of section 3 (a) to the word "*Provided*" and the third, fourth and fifth provisos;
- (d) Subsection (b) of section 3;
- (e) Section 4 (a), section 4 (b) and section 4 (c) to the word "*Provided*";
- (f) Section 5;
- (g) Section 7;
- (h) Section 8; and
- (i) Section 9.

#### CONSTRUCTION

SEC. 3. (a) If any provision of title 23, as enacted by section 1 of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the title and the application of the provision to other persons or circumstances shall not be affected thereby.

(b) The provisions of this Act shall be subject to Reorganization Plan Numbered 5 of 1950 (64 Stat. 1263).

#### SAVINGS CLAUSE

SEC 4. Any rights or liabilities now existing under prior Acts or portions thereof shall not be affected by the repeal of such prior Acts or portions under section 2 of this Act.

#### REPORT AND RECOMMENDATIONS

SEC. 5. The Secretary of Commerce is hereby directed to submit to the Congress not later than February 1, 1959, a report on the progress made in attaining the objectives set forth in section 101 of title 23, as enacted by section 1 of this Act, together with recommendations.







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## A BILL

To revise, codify, and enact into law, title 23 of the United States Code, entitled "Highways".

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By Mr. FALCON

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JUNE 3, 1958

Referred to the Committee on the Judiciary

JUNE 4, 1958

The Committee on the Judiciary discharged, and referred to the Committee on Public Works



S. 3953

IN THE SENATE OF THE UNITED STATES

**A BILL**

For the relief of the United States Fish Commission

Enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be and he is hereby authorized to pay to the United States Fish Commission the sum of \$10,000 for the purpose of carrying out the provisions of the Act of March 3, 1879, entitled 'An Act to provide for the establishment of a Fish Commission, and for other purposes.'

WITNESSETH my hand and the seal of the Senate this 10th day of March, 1900.

By the Senate:  
Charles D. Walcott, Secretary of the Interior.  
Approved: \_\_\_\_\_  
Secretary of the Senate.



85TH CONGRESS  
2D SESSION

# S. 3953

## IN THE SENATE OF THE UNITED STATES

JUNE 6, 1958

Mr. CASE of South Dakota introduced the following bill ; which was read twice  
and referred to the Committee on Public Works

## A BILL

To revise, codify, and enact into law, title 23 of the United States Code,  
entitled "Highways".

*Be it enacted by the Senate and House of Representatives of the  
United States of America in Congress assembled,* That the laws relat-  
ing to highways are revised, codified, and reenacted as Title 23,  
United States Code, "Highways" and may be cited as "Title 23,  
United States Code, §—", as follows:

### TITLE 23—HIGHWAYS

CHAPTER	Sec.
1. FEDERAL AID HIGHWAYS.....	101
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#### CHAPTER 1—FEDERAL-AID HIGHWAYS

Sec.
101. Definitions and declaration of policy.
102. Authorizations.
103. Federal-aid systems.
104. Apportionment.
105. Programs.
106. Plans, specifications, and estimates.
107. Acquisition of rights-of-way—Interstate System.
108. Advance acquisition of rights-of-way.
109. Standards.
110. Project agreements.
111. Use of and access to rights-of-way—Interstate System.
112. Letting of contracts.
113. Prevailing rate of wage—Interstate System.
114. Construction.
115. Construction by States in advance of apportionment—Interstate System.
116. Maintenance.



## CHAPTER 1—FEDERAL-AID HIGHWAYS—Continued

Sec.

- 117. Secondary road responsibility.
- 118. Availability of sums apportioned.
- 119. Administration of Federal-aid for highways in Alaska.
- 120. Federal share payable.
- 121. Payment to States for construction.
- 122. Payment to States for bond retirement.
- 123. Relocation of utility facilities.
- 124. Advances to States.
- 125. Emergency relief.
- 126. Diversion.
- 127. Vehicle weight and width limitations—Interstate System.
- 128. Public hearings.
- 129. Toll roads, bridges, and tunnels.
- 130. Railway-highway crossings.
- 131. Areas adjacent to the Interstate System.

### § 101. Definitions and declaration of policy

(a) DEFINITIONS.—As used in this title, unless the context requires otherwise—

The term “apportionment” in accordance with section 104 of this title includes unexpended apportionments made under prior acts.

The term “construction” means the supervising, inspecting, actual building, and all expenses incidental to the construction or reconstruction of a highway, including locating, surveying, and mapping (including the establishment of temporary and permanent geodetic markers in accordance with specifications of the Coast and Geodetic Survey in the Department of Commerce), costs of rights-of-way, and elimination of hazards of railway-grade crossings.

The term “county” includes corresponding units of government under any other name in States which do not have county organizations, and likewise in those States in which the county government does not have jurisdiction over highways it may be construed to mean any local government unit vested with jurisdiction over local highways.

➤ The term “forest road or trail” means a road or trail wholly or partly within or adjacent to and serving the national forests.

➤ The term “forest development roads and trails” means those forest roads or trails of primary importance for the protection, administration, and utilization of the national forests, or where necessary, for the use and development of the resources upon which communities within or adjacent to the national forests are dependent.

➤ The term “forest highway” means a forest road which is of primary importance to the States, counties, or communities within, adjoining, or adjacent to the national forests.

The term “highway” includes roads, streets, and parkways, and also includes rights-of-way, bridges, railroad-highway crossings,

tunnels, drainage structures, signs, guardrails, and protective structures, in connection with highways. It further includes that portion of any interstate or international bridge or tunnel and the approaches thereto, the cost of which is assumed by a State highway department, including such facilities as may be required by the United States Customs and Immigration Services in connection with the operation of an international bridge or tunnel.

The term "Federal-aid highways" means highways located on one of the Federal-aid systems described in section 103 of this title.

The term "Indian reservation roads and bridges" means roads and bridges that are located within an Indian reservation or that provide access to an Indian reservation or Indian land, and that are jointly designated by the Secretary of the Interior and the Secretary as a part of the Indian Bureau road system.

The term "maintenance" means the preservation of the entire highway, including surface, shoulders, roadsides, structures, and such traffic-control devices as are necessary for its safe and efficient utilization.

The term "park roads and trails" means those roads or trails, including the necessary bridges, located in national parks or monuments, now or hereafter established, or in other areas administered by the National Park Service of the Department of the Interior (excluding parkways authorized by Acts of Congress) and also including approach roads to national parks or monuments authorized by the Act of January 31, 1931 (46 Stat. 1053), as amended.

The term "parkway" as used in chapter 2 of this title, means a parkway authorized by an Act of Congress on lands to which title is vested in the United States.

The term "project" means an undertaking to construct a particular portion of a highway, or if the context so implies, the particular portion of a highway so constructed.

The term "project agreement" means the formal instrument to be executed by the State highway department and the Secretary as required by the provisions of subsection (a) of section 110 of this title.

The term "public lands highways" means main highways through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations.

The term "rural areas" means all areas of a State not included in urban areas.

The term "Secretary" means Secretary of Commerce.

The term "State" means any one of the forty-eight States, the District of Columbia, Hawaii, Alaska, or Puerto Rico.

The term "State funds" includes funds raised under the authority of the State or any political or other subdivision thereof, and made available for expenditure under the direct control of the State highway department.

The term "State highway department" means that department, commission, board, or official of any State charged by its laws with the responsibility for highway construction.

The term "Federal-aid system" means any one of the Federal-aid highway systems described in section 103 of this title.

The term "Federal-aid primary system" means the Federal-aid highway system described in subsection (b) of section 103 of this title.

The term "Federal-aid secondary system" means the Federal-aid highway system described in subsection (c) of section 103 of this title.

The term "Interstate System" means the National System of Interstate and Defense Highways described in subsection (d) of section 103 of this title.

The term "urban area" means an area including and adjacent to a municipality or other urban place having a population of five thousand or more, as determined by the latest available Federal census, within boundaries to be fixed by a State highway department subject to the approval of the Secretary.

(b) **DECLARATIONS OF POLICY.**—It is hereby declared to be in the national interest to accelerate the construction of the Federal-aid highway systems, including the National System of Interstate and Defense Highways, since many of such highways, or portions thereof, are in fact inadequate to meet the needs of local and interstate commerce, the national and civil defense.

It is hereby declared that the prompt and early completion of the National System of Interstate and Defense Highways, so named because of its primary importance to the national defense and hereafter referred to as the "Interstate System", is essential to the national interest and is one of the most important objectives of this Act. It is the intent of Congress that the Interstate System be completed as nearly as practicable over the period of availability of the thirteen years' appropriations authorized for the purpose of expediting its construction, reconstruction, or improvement, inclusive of necessary tunnels and bridges, through the fiscal



year ending June 30, 1969, under section 108 (b) of the Federal-Aid Highway Act of 1956 (70 Stat. 374), and that the entire System in all States be brought to simultaneous completion. Insofar as possible in consonance with this objective, existing highways located on an interstate route shall be used to the extent that such use is practicable, suitable, and feasible, it being the intent that local needs, to the extent practicable, suitable, and feasible, shall be given equal consideration with the needs of interstate commerce.

### **§ 102. Authorizations**

The provisions of this title apply to all unappropriated authorizations contained in prior Acts, and also to all unexpended appropriations heretofore made, providing for the expenditure of Federal funds upon the Federal-aid systems. All such authorizations and appropriations shall continue in full force and effect, but hereafter obligations entered into and expenditures made pursuant thereto shall be subject to the provisions of this title.

### **§ 103. Federal-aid systems**

(a) For the purposes of this title, the three Federal-aid systems, the primary and secondary systems, and the Interstate System, are continued pursuant to the provisions of this section.

(b) The Federal-aid primary system shall consist of an adequate system of connected main highways, selected or designated by each State through its State highway department, subject to the approval of the Secretary as provided by subsection (e) of this section. This system shall not exceed 7 per centum of the total highway mileage of such State, exclusive of mileage within national forests, Indian, or other Federal reservations and within urban areas, as shown by the records of the State highway department on November 9, 1921. Whenever provision has been made by any State for the completion and maintenance of 90 per centum of its Federal-aid primary system, as originally designated, said State through its State highway department by and with the approval of the Secretary is authorized to increase the mileage of its Federal-aid primary system by additional mileage equal to not more than 1 per centum of the total mileage of said State as shown by the records on November 9, 1921. Thereafter, it may make like 1 per centum increases in the mileage of its Federal-aid primary system whenever provision has been made for the completion and maintenance of 90 per centum of the entire system, including the additional mileage previously authorized. This system may be located both in rural and urban areas. The mileage limitations in

this paragraph shall not apply to the District of Columbia, Hawaii, Alaska, or Puerto Rico.

(c) The Federal-aid secondary system shall be selected by the State highway departments and the appropriate local road officials in cooperation with each other, subject to approval by the Secretary as provided in subsection (e) of this section. In making such selections, farm-to-market roads, rural mail routes, public school bus routes, local rural roads, county roads, township roads, and roads of the county road class may be included, so long as they are not on the Federal-aid primary system or the Interstate System. This system shall be confined to rural areas, except (1) that in any State having a population density of more than two hundred per square mile as shown by the latest available Federal census, the system may include mileage in urban areas as well as rural, and (2) that the system may be extended into urban areas subject to the conditions that any such extension passes through the urban area or connects with another Federal-aid system within the urban area, and that Federal participation in projects on such extensions is limited to urban funds.

(d) The Interstate System shall be designated within the continental United States and it shall not exceed forty-one thousand miles in total extent. It shall be so located as to connect by routes, as direct as practicable, the principal metropolitan areas, cities, and industrial centers, to serve the national defense, and to connect at suitable border points with routes of continental importance in the Dominion of Canada and the Republic of Mexico. The routes of this system shall be selected by joint action of the State highway departments of each State and the adjoining States, subject to approval by the Secretary as provided in subsection (e) of this section. All highways or routes included in the Interstate System as finally approved, if not already coincident with the primary system, shall be added to said system without regard to the mileage limitation set forth in subsection (b) of this section. This system may be located both in rural and urban areas.

(e) The Secretary shall have authority to approve in whole or in part the Federal-aid primary system, the Federal-aid secondary system, and the Interstate System, as and when such systems or portions thereof are designated, or to require modifications or revisions thereof. No Federal-aid system or portion thereof shall be eligible for projects in which Federal funds participate until approved by the Secretary.

(f) The system or systems of roads in the Territory of Alaska on which Federal-aid funds may be expended under this title shall be

determined and agreed upon by the Governor of Alaska, the Alaska Highway and Public Works Board, and the Secretary.

(g) The system of highways on which funds apportioned to the Territory of Hawaii under this chapter shall be expended may be determined and agreed upon by the Governor of said Territory and the Secretary.

#### **§ 104. Apportionment**

(a) Whenever an apportionment is made of the sums authorized to be appropriated for expenditure upon the Federal-aid systems, the Secretary shall deduct a sum, in such amount not to exceed  $3\frac{3}{4}$  per centum of all sums so authorized, as the Secretary may deem necessary for administering the provisions of law to be financed from appropriations for the Federal-aid systems and for carrying on the research authorized by subsections (a) and (b) of section 307 of this title. In making such determination, the Secretary shall take into account the unexpended balance of any sums deducted for such purposes in prior years. The sum so deducted shall be available for expenditure from the unexpended balance of any appropriation made at any time for expenditure upon the Federal-aid systems, until such sum has been expended.

(b) On or before January 1 next preceding the commencement of each fiscal year, except as provided in paragraphs (4) and (5) of this subsection, the Secretary, after making the deduction authorized by subsection (a) of this section, shall apportion the remainder of the sums authorized to be appropriated for expenditure upon the Federal-aid systems for that fiscal year, among the several States in the following manner:

(1) For the Federal-aid primary system:

One-third in the ratio which the area of each State bears to the total area of all the States, except that only one-third of the area of Alaska shall be included; one-third in the ratio which the population of each State bears to the total population of all the States as shown by the latest available Federal census; one-third in the ratio which the mileage of rural delivery routes and star routes in each State bears to the total mileage of rural delivery and star routes in all the States at the close of the next preceding fiscal year, as shown by a certificate of the Postmaster General, which he is directed to make and furnish annually to the Secretary. No State shall receive less than one-half of 1 per centum of each year's apportionment.



(2) For the Federal-aid secondary system:

One-third in the ratio which the area of each State bears to the total area of all the States, except that only one-third of the area of Alaska shall be included; one-third in the ratio which the rural population of each State bears to the total rural population of all the States as shown by the latest available Federal census; and one-third in the ratio which the mileage of rural delivery and star routes, certified as above provided, in each State bears to the total mileage of rural delivery and star routes in all the States. No State shall receive less than one-half of 1 per centum of each year's apportionment.

(3) For extensions of the Federal-aid primary and Federal-aid secondary systems within urban areas:

In the ratio which the population in municipalities and other urban places, of five thousand or more, in each State bears to the total population in municipalities and other urban places of five thousand or more in all the States, as shown by the latest available Federal census. For the purpose of this paragraph, Connecticut and Vermont towns shall be considered municipalities regardless of their incorporated status.

(4) For the Interstate System, for the fiscal years ending June 30, 1957, June 30, 1958, and June 30, 1959:

One-half in the ratio which the population of each State bears to the total population of all the States as shown by the latest available Federal census, except that no States shall receive less than three-fourths of 1 per centum of the funds so apportioned; and one-half in the manner provided in paragraph (1) of this subsection. The sums authorized by section 108 (b) of the Federal-aid Highway Act of 1956 for the fiscal years ending June 30, 1958, and June 30, 1959, shall be apportioned on a date not less than six months and not more than twelve months in advance of the beginning of the fiscal year for which authorized.

(5) For the Interstate System for the fiscal years 1960 through 1969:

In the ratio which the estimated cost of completing the Interstate System in each State, as determined and approved in the manner provided in this paragraph, bears to the sum of the estimated cost of completing the Interstate System in all of the States. Each apportionment herein authorized for the fiscal years 1960 through 1969, inclusive, shall be made on a date as far in advance of the beginning of the fiscal year for which author-

ized as practicable but in no case more than eighteen months prior to the beginning of the fiscal year for which authorized. As soon as the standards provided for in subsection (b) of section 109 of this title have been adopted, the Secretary, in cooperation with the State highway departments, shall make a detailed estimate of the cost of completing the Interstate System as then designated, after taking into account all previous apportionments made under this section, based upon such standards and in accordance with rules and regulations adopted by him and applied uniformly to all of the States. The Secretary shall transmit such estimates to the Senate and the House of Representatives within ten days subsequent to January 2, 1958. Upon approval of such estimate by the Congress by concurrent resolution, the Secretary shall use such approved estimate in making apportionments for the fiscal years ending June 30, 1960, June 30, 1961, and June 30, 1962. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System, after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1962. Upon approval of such estimate by the Congress by concurrent resolution, the Secretary shall use such approved estimate in making apportionments for the fiscal years ending June 30, 1963, June 30, 1964, June 30, 1965, and June 30, 1966. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System, after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1966, and annually thereafter through and including January 2, 1968. Upon approval of any such estimate by the Congress by concurrent resolution, the Secretary shall use such approved estimate in making apportionments for the fiscal year which begins next following the fiscal year in which such report is transmitted to the Senate and the House of Representatives. Whenever the Secretary, pursuant to this subsection, requests and receives estimates of cost from the State highway departments, he shall furnish copies of such estimates at the same time to the Senate and the House of Representatives. In making the estimates of cost for completing the Interstate System as provided in

this paragraph, the cost of completing any mileage designated from the one thousand additional miles authorized by section 108 (1) of the Federal-Aid Highway Act of 1956 shall be excluded.

(c) Not more than 20 per centum of the amount apportioned in any fiscal year, commencing with the apportionment of funds authorized to be appropriated under subsection (a) of section 102 of the Federal-Aid Highway Act of 1956 (70 Stat 374), to each State in accordance with paragraphs (1), (2), or (3) of subsection (b) of this section may be transferred from the apportionment under one paragraph to the apportionment under any other of such paragraphs if such a transfer is requested by the State highway department and is approved by the Governor of such State and the Secretary as being in the public interest. The total of such transfers shall not increase the original apportionment under any of such paragraphs by more than 20 per centum. Nothing contained in this subsection shall alter or impair the authority contained in subsection (d) of this section.

(d) Any funds which are apportioned under paragraph (2) of subsection (b) of this section for the Federal-aid secondary system to a State in which all public roads and highways are under the control and supervision of the State highway department may, if the State highway department and the Secretary jointly agree that such funds are not needed for the Federal-aid secondary system, be expended for projects on another Federal-aid system.

(e) On or before January 1 preceding the commencement of each fiscal year, the Secretary shall certify to each of the State highway departments the sums which he has apportioned hereunder to each State for such fiscal year, and also the sums which he has deducted for administration and research pursuant to subsection (a) of this section.

#### **§ 105. Programs**

(a) As soon as practicable after the apportionments for the Federal-aid systems have been made for any fiscal year, the State highway department of any State desiring to avail itself of the benefits of this chapter shall submit to the Secretary for his approval a program or programs of proposed projects for the utilization of the funds apportioned. The Secretary shall act upon programs submitted to him as soon as practicable after the same have been submitted. The Secretary may approve a program in whole or in part, but he shall not approve any project in a proposed program which is not located upon an approved Federal-aid system.



(b) In approving programs for projects on the Federal-aid secondary system, the Secretary shall require, except in States where all public roads and highways are under the control and supervision of the State highway department, that such project be selected by the State highway department and the appropriate local officials in cooperation with each other.

(c) In approving programs for projects on the Federal-aid primary system, the Secretary shall give preference to such projects as will expedite the completion of an adequate and connected system of highways interstate in character.

(d) In approving programs for projects under this chapter, the Secretary may give priority of approval to, and expedite the construction of, projects that are recommended as important to the national defense by the Secretary of Defense, or other official authorized by the President to make such recommendation.

(e) In approving programs in Hawaii, the Secretary shall give preference to such projects as will expedite the completion of highways for the national defense or which will connect seaports with units of the national parks.

#### **§ 106. Plans, specifications, and estimates**

(a) Except as provided in section 117 of this title, the State highway department shall submit to the Secretary for his approval, as soon as practicable after program approval, such surveys, plans, specifications, and estimates for each proposed project included in an approved program as the Secretary may require. The Secretary shall act upon such surveys, plans, specifications, and estimates as soon as practicable after the same have been submitted, and his approval of any such project shall be deemed a contractual obligation of the Federal Government for the payment of its proportional contribution thereto. In taking such action, the Secretary shall be guided by the provisions of section 109 of this title.

(b) In addition to the approval required under subsection (a) of this section, proposed specifications for projects for construction on the Federal-aid secondary system, except in States where all public roads and highways are under the control and supervision of the State highway department, shall be determined by the State highway department and the appropriate local officials in cooperation with each other.

(c) Items included in any such estimate for construction engineering shall not exceed 10 per centum of the total estimated cost of the

project, after excluding from such total estimated cost, the estimated costs of rights-of-way, preliminary engineering and construction engineering.

**§ 107. Acquisition of rights-of-way—Interstate System**

(a) **Federal acquisition for States.**—In any case in which the Secretary is requested by a State to acquire lands or interests in lands (including within the term “interests in lands”, the control of access thereto from adjoining lands) required by such State for right-of-way or other purposes in connection with the prosecution of any project for the construction, reconstruction, or improvement of any section of the Interstate System, the Secretary is authorized, in the name of the United States and prior to the approval of title by the Attorney General, to acquire, enter upon, and take possession of such lands or interests in lands by purchase, donation, condemnation, or otherwise in accordance with the laws of the United States (including the Act of February 26, 1931, 46 Stat. 1421), if—

(1) the Secretary has determined either that the State is unable to acquire necessary lands or interests in lands, or is unable to acquire such lands or interests in lands with sufficient promptness: and

(2) the State has agreed with the Secretary to pay, at such time as may be specified by the Secretary an amount equal to 10 per centum of the costs incurred by the Secretary, in acquiring such lands or interests in lands, or such lesser percentage which represents the State's pro rata share of project costs as determined in accordance with subsection (c) of section 120 of this title.

The authority granted by this section shall also apply to lands and interests in lands received as grants of land from the United States and owned or held by railroads or other corporations.

(b) **Costs of acquisition.**—The costs incurred by the Secretary in acquiring any such lands or interests in lands may include the cost of examination and abstract of title, certificate of title, advertising, and any fees incidental to such acquisition. All costs incurred by the Secretary in connection with the acquisition of any such lands or interests in lands shall be paid from the funds for construction, reconstruction, or improvement of the Interstate System apportioned to the State upon the request of which such lands or interests in lands are acquired, and any sums paid to the Secretary by such State as its share of the costs of acquisition of such lands or interests in lands shall be deposited in the Treasury to the credit of the appropriation

for Federal-aid highways and shall be credited to the amount apportioned to such State as its apportionment of funds for construction, reconstruction, or improvement of the Interstate System, or shall be deducted from other moneys due the State for reimbursement from funds authorized to be appropriated under section 108 (b) of the Federal-Aid Highway Act of 1956.

**(c) Conveyance of acquired lands to the States.**—The Secretary is further authorized and directed by proper deed, executed in the name of the United States, to convey any such lands or interests in lands acquired in any State under the provisions of this section, except the outside five feet of any such right-of-way in any State which does not provide control of access, to the State highway department of such State or such political subdivision thereof as its laws may provide, upon such terms and conditions as to such lands or interests in lands as may be agreed upon by the Secretary and the State highway department or political subdivisions to which the conveyance is to be made. Whenever the State makes provision for control of access satisfactory to the Secretary, the outside five feet then shall be conveyed to the State by the Secretary, as herein provided.

**(d) Rights-of-way over public lands.**—Whenever rights-of-way, including control of access, on the Interstate System are required over lands or interests in lands owned by the United States, the Secretary may make such arrangements with the agency having jurisdiction over such lands as may be necessary to give the State or other person constructing the projects on such lands adequate rights-of-way and control of access thereto from adjoining lands, and any such agency is directed to cooperate with the Secretary in this connection.

#### **§ 108. Advance acquisition of rights-of-way**

(a) For the purpose of facilitating the acquisition of rights-of-way on any of the Federal-aid highway systems, including the Interstate System, in the most expeditious and economical manner, and recognizing that the acquisition of rights-of-way requires lengthy planning and negotiations if it is to be done at a reasonable cost, the Secretary, upon the request of the State highway department, is authorized to make available the funds apportioned to any State for expenditure on any of the Federal-aid highway systems, including the Interstate System, for acquisition of rights-of-way, in anticipation of construction and under such rules and regulations as the Secretary may prescribe. The agreement between the Secretary and the State highway department for the reimbursement of the cost of such rights-of-way shall provide for the actual construction of a road on



such rights-of-way within a period not exceeding five years following the fiscal year in which such request is made.

(b) Federal participation in the cost of rights-of-way acquired under this section shall not exceed the Federal pro rata share applicable to the class of funds from which Federal reimbursement is made.

### **§ 109. Standards**

(a) The Secretary shall not approve plans and specifications for proposed projects on any Federal-aid system if they fail to provide for a facility (1) that will adequately meet the existing and probable future traffic needs and conditions in a manner conducive to safety, durability, and economy of maintenance; (2) that will be designed and constructed in accordance with standards best suited to accomplish the foregoing objectives and to conform to the particular needs of each locality.

(b) The geometric and construction standards to be adopted for the Interstate System shall be those approved by the Secretary in cooperation with the State highway departments. Such standards shall be adequate to accommodate the types and volumes of traffic forecast for the year 1975. The right-of-way width of the Interstate System shall be adequate to permit construction of projects on the Interstate System up to such standards. The Secretary shall apply such standards uniformly throughout the States.

(c) Projects on the Federal-aid secondary system in which Federal funds participate shall be constructed according to specifications that will provide all-weather service and permit maintenance at a reasonable cost.

(d) On any highway project in which Federal funds hereafter participate, or on any such project constructed since December 20, 1944, the location, form and character of informational, regulatory and warning signs, curb and pavement or other markings, and traffic signals installed or placed by any public authority or other agency, shall be subject to the approval of the State highway department with the concurrence of the Secretary, who is directed to concur only in such installations as will promote the safe and efficient utilization of the highways.

(e) No funds shall be approved for expenditure on any Federal-aid highway, or highway affected under chapter 2 of this title, unless proper safety protective devices complying with safety standards determined by the Secretary at that time as being adequate shall be

installed or be in operation at any highway and railroad grade crossing or drawbridge on that portion of the highway with respect to which such expenditures are to be made.

(f) The Secretary shall not, as a condition precedent to his approval under section 106 of this title, require any State to acquire title to, or control of, any marginal land along the proposed highway in addition to that reasonably necessary for road surfaces, median strips, gutters, ditches, and side slopes, and of sufficient width to provide service roads for adjacent property to permit safe access at controlled locations in order to expedite traffic, promote safety, and minimize roadside parking.

#### **§ 110. Project agreements**

(a) As soon as practicable after the plans, specifications, and estimates for a specific project have been approved, the Secretary shall enter into a formal project agreement with the State highway department concerning the construction and maintenance of such project. Such project agreement shall make provision for State funds required for the State's pro rata share of the cost of construction of such project and for the maintenance thereof after completion of construction.

(b) The Secretary may rely upon representations made by the State highway department with respect to the arrangements or agreements made by the State highway department and appropriate local officials where a part of the project is to be constructed at the expense of, or in cooperation with, local subdivisions of the State.

#### **§ 111. Agreements relating to use of and access to rights-of-way, Interstate System**

All agreements between the Secretary and the State highway department for the construction of projects on the Interstate System shall contain a clause providing that the State will not add any points of access to, or exit from, the project in addition to those approved by the Secretary in the plans for such project, without the prior approval of the Secretary. Such agreements shall also contain a clause providing that the State will not permit automotive service stations or other commercial establishments for serving motor vehicle users to be constructed or located on the rights-of-way of the Interstate System. Such agreements may, however, authorize a State or political subdivision thereof to use the airspace above and below the established grade line of the highway pavement for the parking of motor vehicles provided such use does not interfere in any way with the free flow of traffic on the Interstate System.

### **§ 112. Letting of contracts**

(a) In all cases where the construction is to be performed by the State highway department or under its supervision, a request for submission of bids shall be made by advertisement unless some other method is approved by the Secretary. The Secretary shall require such plans and specifications and such methods of bidding as shall be effective in securing competition.

(b) Construction of each project, subject to the provisions of subsection (a) of this section, shall be performed by contract awarded by competitive bidding, unless the Secretary shall affirmatively find that, under the circumstances relating to such project, some other method is in the public interest. All such findings shall be reported promptly in writing to the Committees on Public Works of the Senate and the House of Representatives.

(c) The Secretary shall require as a condition precedent to his approval of each contract awarded by competitive bidding pursuant to subsection (b) of this section, and subject to the provisions of this section, a sworn statement, executed by, or on behalf of, the person, firm, association, or corporation to whom such contract is to be awarded, certifying that such person, firm, association, or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with such contract.

(d) No contract awarded by competitive bidding pursuant to subsection (b) of this section, and subject to the provisions of this section, shall be entered into by any State highway department or local subdivision of the State without compliance with the provisions of this section, and without the prior concurrence of the Secretary in the award thereof.

(e) The provisions of this section shall not be applicable to contracts for projects on the Federal-aid secondary system in those States where the Secretary has discharged his responsibility pursuant to section 117 of this title.

### **§ 113. Prevailing rate of wage—Interstate System**

(a) **Application of Davis-Bacon Act.**—The Secretary shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors on the initial construction work performed on highway projects on the Interstate System authorized under section 108 (b) of the Federal-Aid Highway Act of 1956, shall be paid wages at rates not less than those prevailing on the same type of work on similar construction in the immediate



locality as determined by the Secretary of Labor in accordance with the Act of August 30, 1935, known as the Davis-Bacon Act (40 U. S. C., sec. 276 a).

**(b) Consultation with State highway departments; predetermination of rates.**—In carrying out the duties of subsection (a) of this section, the Secretary of Labor shall consult with the highway department of the State in which a project on the Interstate System is to be performed. After giving due regard to the information thus obtained, he shall make a predetermination of the minimum wages to be paid laborers and mechanics in accordance with the provisions of subsection (a) of this section which shall be set out in each project advertisement for bids and in each bid proposal form and shall be made a part of the contract covering the project.

#### **§ 114. Construction**

(a) The construction of any highways or portions of highways located on a Federal-aid system shall be undertaken by the respective State highway departments or under their direct supervision. Except as provided in section 117 of this title, such construction shall be subject to the inspection and approval of the Secretary. The construction work and labor in each State shall be performed under the direct supervision of the State highway department and in accordance with the laws of that State and applicable Federal laws. Construction may be begun as soon as funds are available for expenditure pursuant to subsection (a) of section 118 of this title.

(b) Convict labor shall not be used in such construction unless it is labor performed by convicts who are on parole or probation.

#### **§ 115. Construction by States in advance of apportionment—Interstate System**

(a) When a State has obligated all funds apportioned to it under subsection (b) (4) and (5) of section 104 of this title, and proceeds to construct any project without the aid of Federal funds, including one or more parts of any project, on the Interstate System as designated at that time, in accordance with all procedures and all requirements applicable to projects financed with Interstate System funds authorized to be appropriated under subsection (b) of section 108 of the Federal-Aid Highway Act of 1956, except insofar as such procedures and requirements limit a State to the construction of projects with the aid of Federal funds previously apportioned to it, the Secretary, upon application by such State and his approval of such application, is authorized to pay to such State the Federal share of the costs of con-

struction of such project when additional funds are apportioned to such State under subsection (b) (4) and (5) of section 104 of this title if:

(1) prior to the construction of the project the Secretary shall have approved the plans and specifications therefor in the same manner as other projects on the Interstate System, and

(2) the project shall conform to the standards adopted under subsection (b) of section 109 of this title.

(b) In determining the apportionment for any fiscal year under the provisions of subsection (b) (5) of section 104 of this title, any such project constructed by a State without the aid of Federal funds shall not be considered completed until an application under the provisions of this section with respect to such project has been approved by the Secretary.

#### **§ 116. Maintenance**

(a) Except as provided in subsection (d) of this section, it shall be the duty of the State highway department to maintain, or cause to be maintained, any project constructed under the provisions of this chapter or constructed under the provisions of prior Acts. The State's obligation to the United States to maintain any such project shall cease when it no longer constitutes a part of a Federal-aid system.

(b) In any State wherein the State highway department is without legal authority to maintain a project constructed on the Federal-aid secondary system, or within a municipality, such highway department shall enter into a formal agreement for its maintenance with the appropriate officials of the county or municipality in which such project is located.

(c) If at any time the Secretary shall find that any project constructed under the provisions of this chapter, or constructed under the provisions of prior Acts, is not being properly maintained, he shall call such fact to the attention of the State highway department. If, within ninety days after receipt of such notice, such project has not been put in proper condition of maintenance, the Secretary shall withhold approval of further projects of all types in the entire State until such project shall have been put in proper condition of maintenance, unless such project is subject to an agreement pursuant to subsection (b) of this section, in which case approval shall be withheld only for secondary or urban projects in the county or municipality where such project is located.

(d) The Federal-aid funds apportioned to the Territory of Alaska and the funds contributed by the Territory under section 120 of this



title may be expended for the maintenance of roads within the system or systems of roads agreed upon under section 103 (f) of this title under the same terms and conditions as for the construction of such roads.

**§ 117. Secondary road responsibility**

(a) The Secretary may, upon the request of any State highway department, discharge his responsibility relative to the plans, specifications, estimates, surveys, contract awards, design, inspection, and construction of all projects on the Federal-aid secondary system by his receiving and approving a certified statement by the State highway department setting forth that the plans, design, and construction for each such project are in accord with those standards and procedures which (1) were adopted by such State highway department, (2) were applicable to projects in this category, and (3) were approved by him.

(b) The Secretary shall not approve such standards and procedures unless they are in accordance with the provisions of subsection (b) of section 105, subsection (b) of section 106, and subsection (c) of section 109, of this title.

(c) Subsections (a) and (b) of this section shall not be construed to relieve the Secretary of his obligation to make a final inspection of each project after construction and to require an adequate showing of the estimated cost of construction and the actual cost of construction.

**§ 118. Availability of sums apportioned**

(a) On and after the date that the Secretary has certified to each State highway department the sums apportioned to each Federal-aid system or part thereof pursuant to an authorization under this title, or under prior Acts, such sums shall be available for expenditure under the provisions of this title.

(b) Such sums shall continue available for expenditure in that State for the appropriate Federal-aid system or part thereof for a period of two years after the close of the fiscal year for which such sums are authorized and any amounts so apportioned remaining unexpended at the end of such period shall lapse, except that any amount apportioned to the States for the Interstate System under subsection (b) (4) and (5) of section 104 of this title remaining unexpended at the end of the period during which it is available under this section shall lapse and shall immediately be reapportioned among the other States in accordance with the provisions of subsection (b) (5) of section 104 of this title. Such sums for any fiscal year shall be deemed to be



expended if a sum equal to the total of the sums apportioned to the State for such fiscal year and previous fiscal years is covered by formal project agreements providing for the expenditure of funds authorized by each Act which contains provisions authorizing the appropriation of funds for Federal-aid highways. Any Federal-aid highway funds released by the payment of the final voucher or by the modification of the formal project agreement shall be credited to the same class of funds, primary, secondary, urban, or interstate, previously apportioned to the State and be immediately available for expenditure.

(c) The total payments to any State shall not at any time during a current fiscal year exceed the total of all apportionments to such State in accordance with section 104 of this title for such fiscal year and all preceding fiscal years.

#### **§ 119. Administration of Federal aid for highways in Alaska**

(a) The Secretary shall administer the functions, duties, and authority pertaining to the construction, repair and maintenance of roads, tramways, ferries, bridges, trails, and other works in Alaska, conferred upon the Department of the Interior and, prior to September 16, 1956, administered by the Secretary of the Interior under the Act of June 30, 1932 (47 Stat. 446; 48 U. S. C., sec. 321a and following).

(b) The Secretary shall, by order or regulations, distribute the functions, duties, and authority required to be administered by him under subsection (a) of this section and appropriations pertaining thereto as he may deem proper to accomplish the economical and effective organization and administration thereof.

#### **§ 120. Federal share payable**

(a) Subject to the provisions of subsections (d) and (h) of this section, the Federal share payable on account of any project, financed with primary, secondary, or urban funds, on the Federal-aid primary system and the Federal-aid secondary system shall not exceed 50 per centum of the cost of construction, except that in the case of any State containing unappropriated and unreserved public lands and non-taxable Indian lands, individual and tribal, exceeding 5 per centum of the total area of all lands therein, the Federal share shall be increased by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State, is of its total area.

(b) Subject to the provisions of subsection (d) of this section, the Federal share payable on account of any project, financed with interstate funds on the Interstate System, authorized to be appropriated prior to June 29, 1956, shall not exceed 60 per centum of the cost of

construction, except that in the case of any State containing unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, exceeding 5 per centum of the total area of all lands therein, the Federal share shall be increased by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State, is of its total area. The provisions of subsection (a) of this section shall apply to any project financed with funds authorized by the provisions of section 2 of the Federal-Aid Highway Act of 1952.

(c) Subject to the provisions of subsection (d) of this section, the Federal share payable on account of any project on the Interstate System provided for by funds made available under the provisions of section 108 (b) of the Federal-Aid Highway Act of 1956 shall be increased to 90 per centum of the total cost thereof, plus a percentage of the remaining 10 per centum of such cost in any State containing unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, exceeding 5 per centum of the total area of all lands therein, equal to the percentage that the area of such lands in such State is of its total area, except that such Federal share payable on any project in any State shall not exceed 95 per centum of the total cost of such project.

(d) The Federal share payable on account of any project for the elimination of hazards of railway-highway crossings, as more fully described and subject to the conditions and limitations set forth in section 130 of this title, may amount to 100 per centum of the cost of construction of such projects, except that not more than 50 per centum of the right-of-way and property damage costs, paid from public funds, on any such project, may be paid from sums apportioned in accordance with section 104 of this title. Not more than 10 per centum of all the sums apportioned for all the Federal-aid systems for any fiscal year in accordance with section 104 of this title shall be used under this subsection or under section 130 of this title.

(e) The Secretary may rely on a statement from the Secretary of the Interior as to the area of the lands referred to in subsections (a) and (b) of this section. The Secretary of the Interior is authorized and directed to provide such statement annually.

(f) The Federal share payable on account of any repair or reconstruction provided for by funds made available under section 125 of this title shall not exceed 50 per centum of the cost thereof.

(g) The Secretary is authorized to cooperate with the State highway departments and with the Department of the Interior in the



construction of Federal-aid highways within Indian reservations and national parks and monuments under the jurisdiction of the Department of the Interior and to pay the amount assumed therefor from the funds apportioned in accordance with section 104 of this title to the State wherein the reservations and national parks and monuments are located.

(h) The Territory of Alaska shall contribute funds each fiscal year in an amount that shall be not less than 10 per centum of the Federal funds apportioned to it for such fiscal year, such contribution to be deposited in a special account in the Federal Treasury for use in conjunction with the Federal funds apportioned to the Territory. The Federal funds apportioned to the Territory of Alaska and the funds contributed by the Territory may be expended by the Secretary either directly or in cooperation with the Alaska Highway and Public Works Board and may be so expended separately or in combination and without regard to the matching provisions of this chapter.

#### **§ 121. Payment to States for construction**

(a) The Secretary may, in his discretion, from time to time as the work progresses, make payments to a State for costs of construction incurred by it on a project. These payments shall at no time exceed the Federal share of the costs of construction incurred to the date of the voucher covering such payment plus the Federal share of the value of the materials which have been stockpiled in the vicinity of such construction in conformity to plans and specifications for the project.

(b) After completion of a project in accordance with the plans and specifications, and approval of the final voucher by the Secretary, a State shall be entitled to payment out of the appropriate sums apportioned to it of the unpaid balance of the Federal share payable on account of such project.

(c) No payment shall be made under this chapter, except for a project located on a Federal-aid system and covered by a project agreement. No final payment shall be made to a State for its costs of construction of a project until the completion of the construction has been approved by the Secretary following inspections pursuant to section 114 (a) of this title.

(d) In making payments pursuant to this section, the Secretary shall be bound by the limitations with respect to the permissible amounts of such payments contained in sections 120 and 130 of this title. Payments for construction engineering on any one project shall not exceed the Federal share of 10 per centum of the cost of



construction of such project after excluding from the cost of construction the costs of rights-of-way, preliminary engineering, and construction engineering.

(e) Such payments shall be made to such official or officials or depository as may be designated by the State highway department and authorized under the laws of the State to receive public funds of the State.

#### **§ 122. Payment to States for bond retirement**

Any State that shall use the proceeds of bonds issued by the State, county, city, or other political subdivision of the State for the construction of one or more projects on the Federal-aid primary or Interstate System, or extensions of any of the Federal-aid highway systems in urban areas, may claim payment of any portion of the sums apportioned to it for expenditure on such system to aid in the retirement of the principal of such bonds at their maturities, to the extent that the proceeds of such bonds have been actually expended in the construction of one or more of such projects. Such claim for payment may be made only when all of the provisions of this title have been complied with to the same extent and with the same effect as though payment were to be made to the State under section 121 of this title, instead of this section, and the Federal share payable shall not exceed the pro rata basis of payment authorized in section 120 of this title. This section shall not be construed as a commitment or obligation on the part of the United States to provide funds for the payment of the principal of any such bonds.

#### **§ 123. Relocation of utility facilities**

(a) When a State shall pay for the cost of relocation of utility facilities necessitated by the construction of a project on the Federal-aid primary or secondary systems or on the Interstate System, including extensions thereof within urban areas, Federal funds may be used to reimburse the State for such cost in the same proportion as Federal funds are expended on the project. Federal funds shall not be used to reimburse the State under this section when the payment to the utility violates the law of the State or violates a legal contract between the utility and the State. Such reimbursement shall be made only after evidence satisfactory to the Secretary shall have been presented to him substantiating the fact that the State has paid such cost from its own funds with respect to Federal-aid highway projects for which Federal funds are obligated subsequent to April 16, 1958, for work, including relocation of utility facilities.

(b) The term "utility", for the purposes of this section, shall include publicly, privately, and cooperatively owned utilities.

(c) The term "cost of relocation", for the purposes of this section, shall include the entire amount paid by such utility properly attributable to such relocation after deducting therefrom any increase in the value of the new facility and any salvage value derived from the old facility.

#### **§ 124. Advances to States**

If the Secretary shall determine that it is necessary for the expeditious completion of projects on any of the Federal-aid systems, including the Interstate System, he may advance to any State out of any existing appropriations the Federal share of the cost of construction thereof to enable the State highway department to make prompt payments for acquisition of rights-of-way, and for the construction as it progresses. The sums so advanced shall be deposited in a special revolving trust fund, by the State official authorized under the laws of the State to receive Federal-aid highway funds, to be disbursed solely upon vouchers approved by the State highway department for rights-of-way which have been or are being acquired, and for construction which has been actually performed and approved by the Secretary pursuant to this chapter. Upon determination by the Secretary that any part of the funds advanced to any State under the provisions of this section are no longer required, the amount of the advance, which is determined to be in excess of current requirements of the State, shall be repaid upon his demand, and such repayments shall be returned to the credit of the appropriation from which the funds were advanced. Any sum advanced and not repaid on demand shall be deducted from sums due the State for the Federal pro rata share of the cost of construction of Federal-aid projects.

#### **§ 125. Emergency relief**

An emergency fund is authorized for expenditure by the Secretary in accordance with the provisions of this section. The Secretary may expend funds therefrom, after receipt of an application therefor from a State highway department, for the repair or reconstruction of highways and bridges on the Federal-aid highway systems, including the Interstate System, in accordance with the provisions of this chapter which he shall find have suffered serious damage as the result of disaster over a wide area, such as by floods, hurricanes, tidal waves, earthquakes, severe storms, landslides, or other catastrophes in any part of the United States. The appropriation of such moneys, not to



exceed \$30,000,000, as may be necessary for the initial establishment of this fund and for its replenishment on an annual basis is authorized. Pending such appropriation or replenishment, the Secretary may expend from existing Federal-aid highway appropriations, such sums as may be necessary for the immediate prosecution of the work herein authorized, such existing appropriations to be reimbursed from the appropriation hereinabove authorized when made. No funds shall be expended under the provisions of this section with respect to any such catastrophe in any State unless an emergency has been declared by the Governor of such State and concurred in by the Secretary.

#### **§ 126. Diversion**

(a) Since it is unfair and unjust to tax motor-vehicle transportation unless the proceeds of such taxation are applied to the construction, improvement, or maintenance of highways, after June 30, 1935, Federal aid for highway construction shall be extended only to those States that use at least the amounts provided by law on June 18, 1934, for such purposes in each State from State motor vehicle registration fees, licenses, gasoline taxes, and other special taxes on motor-vehicle owners and operators of all kinds for the construction, improvement, and maintenance of highways and administrative expenses in connection therewith, including the retirement of bonds for the payment of which such revenues have been pledged, and for no other purposes, under such regulations as the Secretary of Commerce shall promulgate from time to time.

(b) In no case shall the provisions of this section operate to deprive any State of more than one-third of the entire apportionment authorized under this chapter to which that State would be entitled in any fiscal year. The amount of any reduction in a State's apportionment shall be reapportioned in the same manner as any other unexpended balance at the end of the period during which it otherwise would be available in accordance with section 104 (b) of this title.

#### **§ 127. Vehicle weight and width limitation—Interstate System**

No funds authorized to be appropriated for any fiscal year under section 108 (b) of the Federal-Aid Highway Act of 1956 shall be apportioned to any State within the boundaries of which the Interstate System may lawfully be used by vehicles with weight in excess of eighteen thousand pounds carried on any one axle, or with a tandem-axle weight in excess of thirty-two thousand pounds, or with an overall gross weight in excess of seventy-three thousand two hundred and



eighty pounds, or with a width in excess of ninety-six inches, or the corresponding maximum weights or maximum widths permitted for vehicles using the public highways of such State under laws or regulations established by appropriate State authority in effect on July 1, 1956, whichever is the greater. Any amount which is withheld from apportionment to any State pursuant to the foregoing provisions shall lapse. This section shall not be construed to deny apportionment to any State allowing the operation within such State of any vehicles or combinations thereof that could be lawfully operated within such State on July 1, 1956.

#### **§ 128. Public hearings**

(a) Any State highway department which submits plans for a Federal-aid highway project involving the bypassing of, or going through, any city, town, or village, either incorporated or unincorporated, shall certify to the Secretary that it has had public hearings, or has afforded the opportunity for such hearings, and has considered the economic effects of such a location. Any State highway department which submits plans for an Interstate System project shall certify to the Secretary that it has had public hearings at a convenient location, or has afforded the opportunity for such hearings, for the purpose of enabling persons in rural areas through or contiguous to whose property the highway will pass to express any objections they may have to the proposed location of such highway.

(b) When hearings have been held under subsection (a), the State highway department shall submit a copy of the transcript of said hearings to the Secretary, together with the certification.

#### **§ 129. Toll roads, bridges and tunnels**

(a) **Federal aid.**—Notwithstanding the provisions of section 301 of this title, the Secretary may permit Federal participation, on the same basis and in the same manner as in the construction of free highways under this chapter, in the construction of any toll bridge, toll tunnel, or approach thereto, upon compliance with the conditions contained in this section. Such bridge, tunnel, or approach thereto, must be publicly owned and operated. Federal funds may participate in the approaches to a toll bridge or toll tunnel whether such bridge or tunnel is to be or has been constructed, or acquired, by the State or other public authority. The State highway department or departments must be a party or parties to an agreement with the Secretary whereby it or they undertake performance of the following obligations:

(1) all tolls received from the operation of the bridge or tunnel, less the actual cost of such operation and maintenance, shall be applied to the repayment to the State or other public authority of all of the costs of construction or acquisition of such bridge or tunnel, except that part which was contributed by the United States;

(2) no tolls shall be charged for the use of such bridge or tunnel after the State or other public authority shall have been so repaid; and

(3) after the date of final repayment, the bridge or tunnel shall be maintained and operated as a free bridge or free tunnel.

**(b) Approval as part of Interstate System.**—Upon a finding by the Secretary that such action will promote the development of an integrated Interstate System, the Secretary is authorized to approve as part of the Interstate System any toll road, bridge or tunnel, now or hereafter constructed which meets the standards adopted for the improvement of projects located on the Interstate System, when such toll road, bridge or tunnel is located on a route heretofore or hereafter designated as a part of the Interstate System. No Federal-aid highway funds shall be expended for the construction, reconstruction or improvement of any such toll road, except to the extent permitted by law after June 29, 1956. Nor Federal-aid highway funds shall be expended for the construction, reconstruction or improvement of any such toll bridge or tunnel, except to the extent permitted by law on or after June 29, 1956.

**(c) Approaches having other use.**—Funds authorized under prior Acts for expenditure on any of the Federal-aid highway systems, including the Interstate System, shall be available for expenditure on projects approaching any toll road, bridge or tunnel to a point where such project will have some use irrespective of its use for such toll road, bridge or tunnel.

**(d) Approaches having no other use.**—Funds authorized for the Interstate System shall be available for expenditure on Interstate System projects approaching any toll road on the Interstate System, although the project has no use other than an approach to such toll road, if an agreement satisfactory to the Secretary has been reached with the State prior to the approval of such project—

(1) that the section of toll road will become free to the public upon the collection of tolls sufficient to liquidate the cost of the toll road or any bonds outstanding at the time constituting a valid lien against such section of toll road covered in the agree-



ment and their maintenance and operation and debt service during the period of toll collections, and

(2) that there is one or more reasonably satisfactory alternate free routes available to traffic by which the toll section of the system may be bypassed.

### **§ 130. Railway-highway crossings**

(a) Except as provided in subsection (d) of section 120 of this title and subsection (b) of this section, the entire cost of construction of projects for the elimination of hazards of railway-highway crossings, including the separation or protection of grades at crossings, the reconstruction of existing railroad grade crossing structures, and the relocation of highways to eliminate grade crossings, may be paid from sums apportioned in accordance with section 104 of this title. In any case when the elimination of the hazards of a railway-highway crossing can be affected by the relocation of a portion of a railway at a cost estimated by the Secretary to be less than the cost of such elimination by one of the methods mentioned in the first sentence of this section, then the entire cost of such relocation project, except as provided in subsection (d) of section 120 of this title and subsection (b) of this section, may be paid from sums apportioned in accordance with section 104 of this title.

(b) The Secretary may classify the various types of projects involved in the elimination of hazards of railway-highway crossings, and may set for each such classification a percentage of the costs of construction which shall be deemed to represent the net benefit to the railroad for the purpose of determining the railroad's share of the cost of construction. The percentage so determined shall in no case exceed 10 per centum. The Secretary shall determine the appropriate classification of each project.

(c) Any railroad involved in a project for the elimination of hazards of railway-highway crossings paid for in whole or in part from sums made available for expenditure under this title, or prior Acts, shall be liable to the United States for the net benefit to the railroad determined under the classification of such project made pursuant to subsection (b) of this section. Such liability to the United States may be discharged by direct payment to the State highway department of the State in which the project is located, in which case such payment shall be credited to the cost of the project. Such payment may consist in whole or in part of materials and labor furnished by the railroad in connection with the construction of such



project. If any such railroad fails to discharge such liability within a six-month period after completion of the project, it shall be liable to the United States for its share of the cost, and the Secretary shall request the Attorney General to institute proceedings against such railroad for the recovery of the amount for which it is liable under this subsection. The Attorney General is authorized to bring such proceedings on behalf of the United States, in the appropriate district court of the United States, and the United States shall be entitled in such proceedings to recover such sums as it is considered and adjudged by the court that such railroad is liable for in the premises. Any amounts recovered by the United States under this subsection shall be credited to miscellaneous receipts.

### **§ 131. Areas adjacent to the Interstate System**

**(a) National policy.**—To promote the safety, convenience, and enjoyment of public travel and the free flow of interstate commerce and to protect the public investment in the National System of Interstate and Defense Highways, it is declared to be in the public interest to encourage and assist the States to control the use of and to improve areas adjacent to the Interstate System by controlling the erection and maintenance of outdoor advertising signs, displays, and devices adjacent to that system. It is declared to be a national policy that the erection and maintenance of outdoor advertising signs, displays, or devices within six hundred and sixty feet of the edge of the right-of-way and visible from the main-traveled way of all portions of the Interstate System constructed upon any part of right-of-way, the entire width of which is acquired subsequent to July 1, 1956, should be regulated, consistent with national standards to be prepared and promulgated by the Secretary, which shall include only the following four types of signs, and no signs advertising illegal activities:

(1) Directional or other official signs or notices that are required or authorized by law.

(2) Signs advertising the sale or lease of the property upon which they are located.

(3) Signs erected or maintained pursuant to authorization or permitted under State law, and not inconsistent with the national policy and standards of this section, advertising activities being conducted at a location within twelve miles of the point at which such signs are located.

(4) Signs erected or maintained pursuant to authorization in State law and not inconsistent with the national policy and stand-

ards of this section, and designed to give information in the specific interest of the traveling public.

**(b) Agreements.**—The Secretary of Commerce is authorized to enter into agreements with State highway departments (including such supplementary agreements as may be necessary) to carry out the national policy set forth in subsection (a) of this section with respect to the Interstate System within the State. Any such agreement shall include provisions for regulation and control of the erection and maintenance of advertising signs, displays, and other advertising devices in conformity with the standards established in accordance with subsection (a) of this section and may include, among other things, provisions for preservation of natural beauty, prevention of erosion, landscaping, reforestation, development of viewpoints for scenic attractions that are accessible to the public without charge, and the erection of markers, signs, or plaques, and development of areas in appreciation of sites of historical significance. Upon application of the State, any such agreement may, within the discretion of the Secretary of Commerce, consistent with the national policy, provide for excluding from application of the national standards segments of the Interstate System which traverse incorporated municipalities wherein the use of real property adjacent to the Interstate System is subject to municipal regulation or control, or which traverse other areas where the land use is clearly established by State law as industrial or commercial: *Provided, however,* That any such segment excluded from the application of such standards shall not be considered in computing the increase of the Federal share payable on account thereof.

**(c) Federal share.**—Notwithstanding the provisions of section 109 of this title, if an agreement pursuant to this section has been entered into with any State prior to July 1, 1961, the Federal share payable on account of any project on the Interstate System within that State provided for by funds authorized under the provisions of section 108 (b) of the Federal-Aid Highway Act of 1956, as amended by section 8 of the Federal-Aid Highway Act of 1958, to which the national policy and the agreement apply, shall be increased by one-half of one per centum of the total cost thereof, not including any additional cost that may be incurred in the carrying out of the agreement: *Provided,* That the increase in the Federal share which is payable hereunder shall be paid only from appropriations from moneys in the Treasury not otherwise appropriated, which such appropriations are hereby authorized.



**(d) Cooperation with other agencies.**—Whenever any portion of the Interstate System is located upon or adjacent to any public lands or reservations of the United States, the Secretary of Commerce may make such arrangements and enter into such agreements with the agency having jurisdiction over such lands or reservations as may be necessary to carry out the national policy set forth in subsection (a) of this section, and any such agency is authorized and directed to cooperate fully with the Secretary of Commerce in this connection.

**(e) Cost of acquisition of right to advertise or regulate advertising.**—Whenever a State shall acquire by purchase or condemnation the right to advertise or regulate advertising in an area adjacent to the right-of-way of a project on the Interstate System for the purpose of implementing this section, the cost of such acquisition shall be considered as a part of the cost of construction of such project and Federal funds may be used to pay the Federal pro rata share of such cost: *Provided*, That reimbursement to the State shall be made only with respect to that portion of such cost which does not exceed 5 per centum of the cost of the right-of-way for such project.

## CHAPTER 2—OTHER HIGHWAYS

Sec.

- 201. Authorizations.
- 202. Apportionment or allocation.
- 203. Availability of funds.
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- 205. Forest development roads and trails.
- 206. Park roads and trails.
- 207. Parkways.
- 208. Indian reservation roads.
- 209. Public lands highways.
- 210. Defense access roads.
- 211. Timber access road hearings.
- 212. Inter-American Highway.
- 213. Rama Road.

### § 201. Authorizations

The provisions of this title shall apply to all unappropriated authorizations contained in prior Acts, and also to all unexpended appropriations heretofore made, providing for the expenditure of Federal funds on the following classes of highways: Forest highways, forest development roads and trails, park roads and trails, parkways, Indian reservation roads, public lands highways, and defense access roads. All such authorizations and appropriations shall continue in full force and effect, but hereafter obligations entered into and expenditures made pursuant thereto shall be subject to the provisions of this title.



**§ 202. Apportionment or allocation**

(a) On or before January 1 next preceding the commencement of each fiscal year, the Secretary shall apportion the sums authorized to be appropriated for such fiscal year for forest highways in the several States, according to the area and value of the land owned by the United States within the national forests therein, which the Secretary of Agriculture is directed to determine and certify to the Secretary from such information, sources, and departments as the Secretary of Agriculture may deem most accurate.

(b) Sums authorized to be appropriated for forest development roads and trails shall be allocated by the Secretary of Agriculture according to the relative needs of the various national forests, taking into consideration the existing transportation facilities, value of timber or other resources served, relative fire danger, and comparative difficulties of road and trail construction.

(c) Sums authorized to be appropriated for public lands highways shall be allocated by the Secretary among those States having more than 5 per centum of their area in unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations, on the basis of need in such States, respectively, as determined by the Secretary upon application of the State highway departments of the respective States. Preference shall be given to those projects which are located on a Federal-aid system.

**§ 203. Availability of funds**

Funds now authorized for forest highways, forest development roads and trails, park roads and trails, parkways, Indian reservation roads, and public lands highways shall be available for contract upon apportionment, or a date not earlier than one year preceding the beginning of the fiscal year for which authorized if no apportionment is required. Any amount remaining unexpended for a period of two years after the close of the fiscal year for which authorized shall lapse. The Secretary of the Department charged with the administration of such funds is granted authority to incur obligations, approve projects, and enter into contracts under such authorizations and his action in doing so shall be deemed a contractual obligation of the United States for the payment of the cost thereof and such funds shall be deemed to have been expended when so obligated. Any funds heretofore or hereafter authorized for any fiscal year for forest highways, forest development roads and trails, park roads and trails, parkways, Indian roads, and public lands highways shall be deemed to have been expended if a sum equal to the total of the sums author-

ized for such fiscal year and previous fiscal years since and including the fiscal year ending June 30, 1955, shall have been obligated. Any of such funds released by payment of final voucher or modification of project authorizations shall be credited to the balance of unobligated authorizations and be immediately available for expenditure.

#### **§ 204. Forest highways**

(a) Funds available for forest highways shall be used by the Secretary to pay for the cost of construction and maintenance thereof. In connection therewith, the Secretary may enter into construction contracts and such other contracts with a State, or civil subdivision thereof as he deems advisable.

(b) Cooperation of States, counties, or other local subdivisions, may be accepted but shall not be required by the Secretary.

(c) Construction estimated to cost \$5,000 or more per mile, exclusive of bridges, shall be advertised and let to contract. If such estimated cost is less than \$5,000 per mile or if, after proper advertising, no acceptable bid is received or the bids are deemed excessive, the work may be done by the Secretary on his own account. For such purpose, the Secretary may purchase, lease, hire, rent, or otherwise obtain all necessary supplies, materials, tools, equipment, and facilities required to perform the work, and may pay wages, salaries, and other expenses for help employed in connection with such work.

(d) All appropriations for forest highways shall be administered in conformity with regulations jointly approved by the Secretary and the Secretary of Agriculture.

(e) The Secretary shall transfer to the Secretary of Agriculture from appropriations for forest highways such amounts as may be needed to cover necessary administrative expenses of the Forest Service in connection with the forest-highway program.

(f) Funds available for forest highways shall be available for adjacent vehicular parking areas and for sanitary, water, and fire control facilities.

#### **§ 205. Forest development roads and trails**

(a) Funds available for forest development roads and trails shall be used by the Secretary of Agriculture to pay for the cost of construction and maintenance thereof, including roads and trails, on experimental areas under Forest Service administration. In connection therewith, the Secretary of Agriculture may enter into construction contracts with a State or civil subdivision thereof, and issue such regulations as he deems advisable.



(b) Cooperation of States, counties, or other local subdivisions may be accepted but shall not be required by the Secretary of Agriculture.

(c) Construction estimated to cost \$10,000 or more per mile, exclusive of bridges, shall be advertised and let to contract. If such estimated cost is less than \$10,000 per mile or if, after proper advertising, no acceptable bid is received or the bids are deemed excessive, the work may be done by the Secretary of Agriculture on his own account. For such purpose, the Secretary of Agriculture may purchase, lease, hire, rent, or otherwise obtain all necessary supplies, materials, tools, equipment, and facilities required to perform the work, and may pay wages, salaries, and other expenses for help employed in connection with such work.

(d) Funds available for forest development roads and trails shall be available for adjacent vehicular parking areas and for sanitary, water, and fire control facilities.

#### **§ 206. Park roads and trails**

(a) Funds available for park roads and trails shall be used to pay for the cost of construction and improvement thereof.

(b) Appropriations for the construction and improvement of park roads shall be administered in conformity with regulations jointly approved by the Secretary and the Secretary of the Interior.

#### **§ 207. Parkways**

(a) Funds available for parkways shall be used to pay for the cost of construction and improvement thereof.

(b) Appropriations for the construction of parkways shall be administered in conformity with regulations jointly approved by the Secretary and the Secretary of the Interior.

(c) The location of parkways upon public lands, national forests, or other Federal reservations, shall be determined by agreement between the department having jurisdiction over such lands and the Secretary of the Interior.

#### **§ 208. Indian reservation roads**

(a) Funds available for Indian reservation roads and bridges shall be used to pay for the cost of construction and improvement thereof.

(b) The Secretary shall approve the location, type, and design of all projects for Indian reservation roads and bridges before any expenditures are made thereon and all construction thereof shall be under the general supervision of the Secretary.

(c) Indian labor may be employed in such construction and improvement under such rules and regulations as may be prescribed by the Secretary of the Interior.



**§ 209. Public lands highways**

(a) Funds available for public lands highways shall be used by the Secretary to pay for the cost of construction and maintenance thereof.

(b) The Secretary is authorized to cooperate with the State highway departments and with the Secretary of the Department having jurisdiction over the particular lands, in the survey, construction, and maintenance of public lands highways.

(c) The provisions of section 112 of this title are applicable to public lands highways.

**§ 210. Defense access roads**

(a) The Secretary is authorized, out of the funds appropriated for defense access roads, to provide for the construction and maintenance of defense access roads (including bridges, tubes, and tunnels thereon) to military reservations, to defense industries and defense industry sites, and to the sources of raw materials when such roads are certified to the Secretary as important to the national defense by the Secretary of Defense or such other official as the President may designate, and for replacing existing highways and highway connections that are shut off from the general public use by necessary closures or restrictions at military reservations and defense industry sites.

(b) Funds appropriated for the purposes of this section shall be available, without regard to apportionment among the several States, for paying all or any part of the cost of the construction and maintenance of defense access roads.

(c) Not exceeding \$5,000,000 of any funds appropriated under the Act approved October 16, 1951 (65 Stat. 422), may be used by the Secretary in areas certified to him by the Secretary of Defense as maneuver areas for such construction, maintenance, and repair work as may be necessary to keep the highways therein, which have been or may be used for training of the Armed Forces, in suitable condition for such training purposes and for repairing the damage caused to such highways by the operations of men and equipment in such training.

(d) Whenever any project for the construction of a circumferential highway around a city or of a radial intracity route thereto submitted by any State is certified by the Secretary of Defense, or such other official as the President may designate, as being important for civilian or military defense, such project may be constructed out of the funds heretofore or hereafter authorized to be appropriated for defense access roads.

(e) If the Secretary shall determine that the State highway department of any State is unable to obtain possession and the right to enter upon and use the required rights-of-way, lands, or interest in lands, improved or unimproved, required for any project authorized by this section with sufficient promptness, the Secretary is authorized to acquire, enter upon, take possession thereof, and expend funds for projects thereon, prior to approval of title by the Attorney General, in the name of the United States, such rights-of-way, lands, or interest in lands as may be required in such State for such projects by purchase, donation, condemnation, or otherwise in accordance with the laws of the United States (including the Act of February 26, 1931; 46 Stat. 1421). The cost incurred by the Secretary in acquiring any such rights-of-way, lands, or interest in lands may include the cost of examination and abstract of title, certificate of title, advertising, and any fees incidental to such acquisition; and shall be payable out of the funds available for paying the cost or the Federal share of the cost of the project for which such rights-of-way, lands, or interests in lands are acquired. The Secretary is further authorized and directed by proper deed executed in the name of the United States to convey any lands or interests in lands acquired in any State under the provisions of prior Acts or of this section to the State highway department of such State or to such political subdivision thereof as its laws may provide, upon such terms and conditions as may be agreed upon by the Secretary and the State highway department, or political subdivisions to which the conveyance is to be made.

(f) The provisions of section 112 of this title are applicable to defense access roads.

#### **§ 211. Timber access road hearings**

With respect to any proposed construction of a timber access road from funds authorized for carrying out the provisions of sections 204, 205, and 210 of this title, advisory public hearings may be held at a place of convenient or adjacent to the area of construction with notice and reasonable opportunity for interested persons to present their views as to the practicability and feasibility of such construction.

#### **§ 212. Inter-American Highway**

(a) Funds appropriated for the Inter-American Highway shall be used to enable the United States to cooperate with the Governments of the American Republics situated in Central America—that is, with the Governments of the Republic of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama—in the survey and con-



struction of the Inter-American Highway within the borders of the aforesaid Republics, respectively. Not to exceed one-third of the appropriation authorized for each fiscal year may be expended without requiring the country or countries in which such funds may be expended to match any part thereof, if the Secretary of State shall find that the cost of constructing said highway in such country or countries will be beyond their reasonable capacity to bear. The remainder of such authorized appropriations shall be available for expenditure only when matched to the extent required by this section by the country in which such expenditure may be made. Expenditures from the funds available on a matching basis shall not be made for the survey and construction of any portion of said highway within the borders of any country named herein unless such country shall provide and make available for expenditure in conjunction therewith a sum equal to at least one-third of the expenditures that may be incurred by that Government and the United States on such portion of the highway. All expenditures by the United States under the provisions of this section for material, equipment, and supplies shall, whenever practicable, be made for products of the United States or of the country in which such survey or construction work is being carried on. Construction work to be performed under contract shall be advertised for a reasonable period by the Minister of Public Works, or other similar official, of the government concerned in each of the participating countries and contracts shall be awarded pursuant to such advertisements with the approval of the Secretary. No part of the appropriations authorized shall be available for obligation or expenditure for work on said highway in any cooperating country unless the government of said country shall have assented to the provisions of this section; shall have furnished satisfactory assurances that it has an organization adequately qualified to administer the functions required of such country under the provisions hereof; and then only as such country may submit requests, from time to time, for the construction of any portion of the highway to standards adequate to meet present and future traffic needs. No part of said appropriations shall be available for obligation or expenditure in any such country until the government of that country shall have entered into an agreement with the United States which shall provide, in part, that said country—

- (1) will provide, without participation of funds authorized, all necessary rights-of-way for the construction of said highway, which rights-of-way shall be of a minimum width where prac-



licable of one hundred meters in rural areas and fifty meters in municipalities and shall forever be held inviolate as a part of the highway for public use;

(2) will not impose any highway toll, or permit any such toll to be charged, for use by vehicles or persons of any portion of said highway constructed under the provisions of this section;

(3) will not levy or assess, directly or indirectly, any fee, tax, or other charge for the use of said highway by vehicles or persons from the United States that does not apply equally to vehicles or persons of such country;

(4) will continue to grant reciprocal recognition of vehicle registration and drivers' licenses in accordance with the provisions of the Convention for the Regulation of Inter-American Automotive Traffic, which was opened for signature at the Pan American Union in Washington on December 15, 1943, and to which such country and the United States are parties, or of any other treaty or international convention establishing similar reciprocal recognition; and

(5) will provide for the maintenance of said highway after its completion in condition adequately to serve the needs of present and future traffic.

(b) The survey and construction work authorized by this section shall be under the administration of the Secretary, who shall consult with the appropriate officials of the Department of State with respect to matters involving the foreign relations of this Government, and such negotiations with the Governments of the American Republics named in subsection (a) of this section as may be required to carry out the purposes of this section shall be conducted through, or as authorized by, the Department of State.

(c) The provisions of this section shall not create nor authorize the creation of any obligations on the part of the Government of the United States with respect to any expenditures for highway construction or survey heretofore or hereafter undertaken in any of the countries enumerated in subsection (a) of this section, other than the expenditures authorized by the provisions of this section.

(d) Appropriations made pursuant to any authorizations heretofore, or hereafter enacted for the Inter-American Highway shall be considered available for expenditure by the Secretary for necessary administrative and engineering expenses in connection with the Inter-American Highway program.

### § 213. Rama Road

(a) Recognizing the mutual benefits that will accrue to the Republic of Nicaragua and to the United States from the completion of the road from San Benito to Rama in said Republic of Nicaragua, the construction of which road was begun and partially completed pursuant to an agreement between said Republic and the United States, the Secretary is authorized out of the funds appropriated for such purposes to provide for the construction of such road. Appropriations made for such purposes shall remain available until expended. No expenditure shall be made hereunder for the construction of said road until a request therefor shall have been received by the Secretary of State from the Government of the Republic of Nicaragua nor until an agreement shall have been entered into by said Republic with the the Secretary of State which shall provide, in part, that said Republic—

(1) will provide, without participation of funds authorized under this title, or under prior Acts, all necessary right-of-way for the construction of said highway, which right-of-way shall be of a minimum width, where practicable, of one hundred meters in rural areas and fifty meters in municipalities and shall forever be held inviolate as a part of the highway for public use;

(2) will not impose any highway toll, or permit any such toll to be charged for the use of said highway by vehicles or persons;

(3) will not levy or assess, directly or indirectly, any fee, tax, or other charge for the use of said road by vehicles or persons from the United States that does not apply equally to vehicles or persons of such Republic;

(4) will continue to grant reciprocal recognition of vehicle registration and drivers' licenses in accordance with the provisions of the Convention for the Regulation of Inter-American Automotive Traffic, which was opened for signature at the Pan American Union in Washington on December 15, 1943, and to which such Republic and the United States are parties; or any other treaty or international convention establishing similar reciprocal recognition; and

(5) will maintain said road after its completion in proper condition adequately to serve the neds of present and future traffic.

(b) The funds appropriated for such purposes shall be available for expenditure in accordance with the terms of this section for the



survey and construction of said road from San Benito to Rama in the Republic of Nicaragua without being matched by said Republic, and all expenditures made under the provisions of this section for materials, equipment, and supplies, shall, whenever practicable, be made for products of the United States or of the Republic of Nicaragua.

(c) The survey and construction work undertaken pursuant to this section shall be under the general supervision of the Secretary.

### CHAPTER 3. GENERAL PROVISIONS

Sec.

- 301. Freedom from tolls.
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- 303. Bureau organization.
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- 305. Archeological and paleontological salvage.
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- 311. Highway improvements strategically important to the national defense.
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- 318. Appropriation for highway purposes of lands or interests in lands owned by the United States.
- 319. Highway relocation due to airport.
- 320. Landscaping.
- 321. Bridges on Federal dams.

#### **§ 301. Freedom from tolls**

Except as provided in section 129 of this title with respect to certain toll bridges and toll tunnels, all highways constructed under the provisions of this title shall be free from tolls of all kinds.

#### **§ 302. State highway department**

(a) Any State desiring to avail itself of the provisions of this title shall have a State highway department which shall have adequate powers, and be suitably equipped and organized to discharge to the satisfaction of the Secretary the duties required by this title. Among other things, the organization shall include a secondary road unit.

(b) The State highway department may arrange with a county or group of counties for competent highway engineering personnel suitably organized and equipped to the satisfaction of the State highway department, to supervise construction and maintenance on a county-unit or group-unit basis, for the construction of projects on the Federal-aid secondary system, financed with secondary funds, and for the maintenance thereof.



### **§ 303. Bureau organization**

(a) The Bureau of Public Roads shall be in the Department of Commerce as a primary unit administered by the Federal Highway Administrator, appointed by the President by and with the advice and consent of the Senate. The Administrator shall receive basic compensation at the rate prescribed by law for Assistant Secretaries of executive departments and shall perform such duties as the Secretary of Commerce may prescribe or as may be required by law. There shall be a Commissioner of Public Roads in the Bureau of Public Roads who shall be appointed by the Secretary and perform such duties as may be prescribed by the Federal Highway Administrator. The Commissioner of Public Roads shall receive basic compensation at the rate of \$17,500 per annum.

(b) The Secretary is authorized to employ such assistants, clerks, and other persons in the city of Washington and elsewhere, to be taken from the eligible lists of the Civil Service Commission, to rent buildings outside of the city of Washington, to purchase such supplies, material, equipment, office fixtures and apparatus, to advertise in the city of Washington for work to be performed in areas adjacent thereto, and to incur, and authorize the incurring of, such travel and other expenses as he may deem necessary for carrying out the functions under this title.

(c) The Secretary is authorized to procure temporary services in accordance with the provisions of section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), but at rates for individuals not in excess of \$100 diem.

### **§ 304. Participation by small business enterprises**

It is declared to be in the national interest to encourage and develop the actual and potential capacity of small business and to utilize this important segment of our economy to the fullest practicable extent in construction of the Federal-aid highway systems, including the Interstate System. In order to carry out that intent and encourage full and free competition, the Secretary should assist, insofar as feasible, small business enterprises in obtaining contracts in connection with the prosecution of the highway program.

### **§ 305. Archeological and paleontological salvage**

Funds authorized to be appropriated under the Federal-Aid Highway Act of 1956, to the extent approved as necessary by the highway department of any State, may be used for archeological and paleontological salvage in that State in compliance with the Act entitled "An

Act for the preservation of American antiquities", approved June 8, 1906 (34 Stat. 225), and State laws where applicable.

### **§ 306. Mapping**

In carrying out the provisions of this title, the Secretary may, wherever practicable, authorize the use of photogrammetric methods in mapping, and the utilization of commercial enterprise for such services.

### **§ 307. Research and planning**

(a) The Secretary is authorized in his discretion to engage in research on all phases of highway construction, modernization, development, design, maintenance, safety, financing, and traffic conditions, including the effect thereon of State laws and is authorized to test, develop, or assist in the testing and developing of any material, invention, patented article, or process. The Secretary may publish the results of such research. The Secretary may carry out the authority granted hereby, either independently, or in cooperation with any other branch of the Government, State agency, authority, association, institution, corporation (profit or nonprofit), or any other organization, or person. The funds required to carry out the provisions of this subsection shall be taken out of the administrative and research funds authorized by section 104 of this title and such funds as may be deposited in a special account with the Secretary of the Treasury for such purposes by any cooperating organization or person. The provisions of section 3709 of the Revised Statutes, as amended (41 U. S. C. 5), shall not be applicable to contracts or agreements made under the authority of this subsection.

(b) The Secretary shall include in the highway research program herein authorized studies of economic highway geometrics, structures, and desirable weight and size standards for vehicles using the public highways and of the feasibility of uniformity in State regulations with respect to such standards and he shall report from time to time to the Committees on Public Works of the Senate and of the House of Representatives on the progress and findings with respect to such studies.

(c) Not to exceed 1½ per centum of the sums apportioned for any year to any State under section 104 of this title shall be available for expenditure upon request of the State highway department, with the approval of the Secretary, with or without State funds, for engineering and economic surveys and investigations, for the planning of future highway programs and the financing thereof, for studies of the



economy, safety, and convenience of highway usage and the desirable regulation and equitable taxation thereof, and for research necessary in connection with the planning, design, construction, and maintenance of highways and highway systems, and the regulation and taxation of their use.

**§ 308. Cooperation with Federal and State agencies and foreign countries**

(a) The Secretary is authorized to perform by contract or otherwise, authorized engineering or other services in connection with the survey, construction, maintenance, or improvement of highways for other Government agencies, cooperating foreign countries, and State cooperating agencies, and reimbursement for such services, which may include depreciation on engineering and road-building equipment used, shall be credited to the appropriation concerned.

(b) Appropriations for the work of the Bureau of Public Roads shall be available for expenses of warehouse maintenance and the procurement, care, and handling of supplies, materials, and equipment for distribution to projects under the supervision of the Bureau of Public Roads, or for sale or distribution to other Government agencies, cooperating foreign countries, and State cooperating agencies, and the cost of such supplies and materials or the value of such equipment, including the cost of transportation and handling, may be reimbursed to current applicable appropriations.

**§ 309. Cooperation with other American Republics**

The President is authorized to utilize the services of the Bureau of Public Roads in fulfilling the obligations of the United States under the Convention on the Pan-American Highway Between the United States and Other American Republics (51 Stat. 152), cooperating with several governments, members of the Organization of American States, in connection with the survey and construction of the Inter-American Highway, and for performing engineering service in the other American Republics for and upon the request of any agency or governmental corporation of the United States. To the extent authorized in appropriation acts, administrative funds available in accordance with subsection (a) of section 104 of this title shall be available annually for the purpose of this section.

**§ 310. Civil defense**

In order to assure that adequate consideration is given to civil defense aspects in the planning and construction of highways constructed or reconstructed with the aid of Federal funds, the Secre-



tary of Commerce is authorized and directed to consult, from time to time, with the Federal Civil Defense Administrator relative to the civil defense aspects of highways so constructed or reconstructed.

**§ 311. Highway improvements strategically important to the national defense**

Funds made available under subsection (a) of section 104 of this title may be used to pay the entire engineering costs of the surveys, plans, specifications, estimates, and supervision of construction of projects for such urgent improvements of highways strategically important from the standpoint of the national defense as may be undertaken on the order of the Secretary and as the result of request of the Secretary of Defense or such other official as the President may designate. With the consent of a State, funds made available under subsection (b) of section 104 of this title may be used to the extent deemed necessary and advisable by the Secretary to carry out the provisions of this section.

**§ 312. Detail of Army, Navy, and Air Force officers**

The Secretary of Defense, upon request of the Secretary, is authorized to make temporary details to the Bureau of Public Roads of officers of the Army, the Navy, and the Air Force, without additional compensation, for technical advice and for consultation regarding highway needs for the national defense. Travel and subsistence expenses of officers so detailed shall be paid from appropriations available to the Department of Commerce on the same basis as authorized by law and by regulations of the Department of Defense for such officers.

**§ 313. Highway Safety Conference**

The Secretary is authorized and directed to assist in carrying out the action program of the President on highway safety, and to cooperate with the State highway departments and other agencies in this program to advance the cause of safety on highways. Not to exceed \$150,000 out of the administrative funds made available in accordance with subsection (a) of section 104 of this title may be expended annually for the purposes of this section.

**§ 314. Relief of employees in hazardous work**

The Secretary is authorized in an emergency to use appropriations to the Department of Commerce for carrying out the provisions of this title for medical supplies, services, and other assistance necessary for the immediate relief of employees of the Bureau of Public Roads engaged in hazardous work.

**§ 315. Detail of employees as students**

During any fiscal year the Secretary is authorized in his discretion to detail not to exceed ten of the regularly employed personnel of the Bureau of Public Roads as students for limited periods at such technical institutions as will enable such personnel to acquire special knowledge which will better fit them for the lines of work to which they are assigned. No expense other than the salaries of such personnel and the cost of tuition and other regular fees required at such institutions shall be incurred by the Secretary under this section.

**§ 316. Rules, regulations, and recommendations**

Except as provided in sections 204 (d), 205 (a), 206 (b), 207 (b), and 208 (c) of this title, the Secretary is authorized to prescribe and promulgate all needful rules and regulations for the carrying out of the provisions of this title. The Secretary may make such recommendations to the Congress and State highway departments as he deems necessary for preserving and protecting the highways and insuring the safety of traffic thereon.

**§ 317. Consent by United States to conveyance of property**

For the purposes of this title the consent of the United States is given to any railroad or canal company to convey to the State highway department of any State, or its nominee, any part of its right-of-way or other property in that State acquired by grant from the United States.

**§ 318. Appropriation for highway purposes of lands or interests in lands owned by the United States**

(a) If the Secretary determines that any part of the lands or interests in lands owned by the United States is reasonably necessary for the right-of-way of any highway, or as a source of materials for the construction or maintenance of any such highway adjacent to such lands or interests in lands, the Secretary shall file with the Secretary of the Department supervising the administration of such lands or interests in lands a map showing the portion of such lands or interests in lands which it is desired to appropriate.

(b) If within a period of four months after such filing, the Secretary of such Department shall not have certified to the Secretary that the proposed appropriation of such land or material is contrary to the public interest or inconsistent with the purposes for which such land or materials have been reserved, or shall have agreed to the appropriation and transfer under conditions which he deems necessary for the adequate protection and utilization of the reserve, then such land and materials may be appropriated and transferred to the State

highway department, or its nominee, for such purposes and subject to the conditions so specified.

(c) If at any time the need for any such lands or materials for such purposes shall no longer exist, notice of the fact shall be given by the State highway department to the Secretary and such lands or materials shall immediately revert to the control of the Secretary of the Department from which they had been appropriated.

(d) The provisions of this section shall apply only to projects constructed on a Federal-aid system or under the provisions of chapter 2 of this title.

### **§ 319. Highway relocation due to airport**

Federal highway funds shall not be used for the reconstruction or relocation of any highway giving access to an airport constructed or extended after December 20, 1944, or for the reconstruction or relocation of any highway which has been or may be closed or the usefulness of which has been or may be impaired by the location or construction of any airport constructed or extended after December 20, 1944, unless, prior to such construction or extension, as the case may be, the State highway department and the Secretary have concurred with the officials in charge of the airport that the location of such airport or extension thereof and the consequent reconstruction or relocation of the highway are in the public interest.

### **§ 320. Landscaping**

The construction of highways by the States with funds apportioned in accordance with section 104 of this title may include such roadside and landscape development, including such sanitary and other facilities as may be deemed reasonably necessary to provide for the suitable accommodation of the public, all within the highway right-of-way and adjacent publicly owned or controlled rest and recreational areas of limited size and with provision for convenient and safe access thereto by pedestrian and vehicular traffic, as may be approved by the Secretary. Such construction likewise may include the purchase of such adjacent strips of land of limited width and primary importance for the preservation of the natural beauty through which highways are constructed, as may be approved by the Secretary. Not to exceed 3 per centum of such sums, apportioned to a State in any fiscal year in accordance with section 104 of this title may be used by it for the purchase of such adjacent strips of land without being matched by such State.



**§ 321. Bridges on Federal dams**

(a) Each executive department, independent establishment, office, board, bureau, commission, authority, administration, corporation wholly owned or controlled by the United States, or other agency of the Government of the United States, hereinafter collectively and individually referred to as "agency", which on or after July 29, 1946, has jurisdiction over and custody of any dam constructed or to be constructed and owned by or for the United States, is authorized, with any funds available to it, to design and construct any such dam in such manner that it will constitute and serve as a suitable and adequate foundation to support a public highway bridge upon and across such dam, and to design and construct upon the foundation thus provided a public highway bridge upon and across such dam. The highway department of the State in which such dam shall be located, jointly with the Secretary, shall first determine and certify to such agency that such bridge is economically desirable and needed as a link in the State or Federal-aid highway systems, and shall request such agency to design and construct such dam so that it will serve as a suitable and adequate foundation for a public highway bridge and to design and construct such public highway bridge upon and across such dam, and shall agree to reimburse such agency pursuant to subsection (d) of this section for any additional costs which it may be required to incur because of the design and construction of such dam so that it will serve as a foundation for a public highway bridge and for expenditures which it may find it necessary to make in designing and constructing such public highway bridge upon and across such dam. In no case shall the design and construction of a bridge upon and across such dam be undertaken hereunder except by the agency having jurisdiction over and custody of the dam, acting directly or through contractors employed by it, and after such agency shall determine that it will be structurally feasible and will not interfere with the proper functioning and operation of the dam.

(b) Construction of any bridge upon and across any dam pursuant to this section shall not be commenced unless and until the State in which such bridge is to be located, or the appropriate subdivision of such State, shall enter into an agreement with such agency and with the Secretary to construct, or cause to be constructed, with or without the aid of Federal funds, the approach roads necessary to connect such bridge with existing public highways and to maintain, or cause to be maintained, such approach roads from and after their completion.

Such agreement may also provide for the design and construction of such bridge upon and across the dam by such agency of the United States and for reimbursing such agency the costs incurred by it in the design and construction of the bridge as provided in subsection (d) of this section. Any such agency is hereby authorized to convey to the State, or to the appropriate subdivision thereof, without costs, such easements and rights-of-way in its custody or over lands of the United States in its custody and control as may be necessary, convenient, or proper for the location, construction, and maintenance of the approach roads referred to in this section including such roadside parks or recreational areas of limited size as may be deemed necessary for the accommodation of the traveling public. Any bridge constructed pursuant to this section upon and across a dam in the custody and jurisdiction of any agency of the United States, including such portion thereof, if any, as may extend beyond the physical limits of the dam, shall constitute and remain a part of said dam and be maintained by the agency. Any such agency may enter into any such contracts and agreements with the State or its subdivisions respecting public use of any bridge so located and constructed as may be deemed appropriate, but no such bridge shall be closed to public use by the agency except in cases of emergency or when deemed necessary in the interest of national security.

(c) All costs and expenses incurred and expenditures made by any agency in the exercise of the powers and authority conferred by this section (but not including any costs, expenses, or expenditures which would have been required in any event to satisfy a legal road or bridge relocation obligation or to meet operating or other agency needs) shall be recorded and kept separate and apart from the other costs, expenses, and expenditures of such agency, and no portion thereof shall be charged or allocated to flood control, navigation, irrigation, fertilized production, the national defense, the development of power, or other program, purpose, or function of such agency.

(d) Not to exceed \$10,000,000 of any money heretofore or hereafter appropriated for expenditure in accordance with the provisions of this title or prior Acts shall be available for expenditure by the Secretary in accordance with the provisions of this section, as an emergency fund, to reimburse any agency for any additional costs or expenditures which it may be required to incur because of the



design and construction of any such dam so that it will constitute and serve as a foundation for a public highway bridge upon and across such dam and to reimburse any such agency for any costs, expenses, or expenditures which it may be required to make in designing and constructing any such bridge upon and across a dam in accordance with the provisions of this section, except such costs, expenses, or expenditures as would have been required of such agency in any event to satisfy a legal obligation to relocate a highway or bridge or to meet operating or other agency needs, and there is authorized to be appropriated any sum or sums necessary to reimburse the funds so expended by the Secretary from time to time under the authority of this section. Of each bridge constructed upon and across a dam under the provisions of this section, there may be financed wholly with Federal funds that portion thereof which is located within the physical limits of the masonry structure, or structures, of the dam, and the Secretary shall in his sole discretion determine what additional portion of the bridge, if any, may be so financed, such determination to be final and conclusive. The remainder of the bridge, and any necessary related approach roads, shall be financed by the State or its appropriate subdivision with or without the aid of Federal funds; but said portion of the bridge so financed by the State or its subdivisions, including such portion thereof, if any, as may extend beyond the physical limits of the dam, shall nevertheless be designed and constructed solely by the agency having custody and jurisdiction of the dam as provided in subsection (a) of this section.

(e) In making, reviewing, or approving the design of any bridge or approach structure to be constructed under this section, the agency shall, in matters relating to roadway design, loadings, clearances and widths, and traffic safeguards, give full consideration to and be guided by the standards and advice of the Secretary.

(f) The authority conferred by this section shall be in addition to and not in limitation of authority conferred upon any agency by any other law, and nothing in this section contained shall affect or be deemed to relate to any bridge, approach structure, or highway constructed or to be constructed by any such agency in furtherance of its lawful purposes and requirements or to satisfy a legal obligation incurred independently of this section.



REPEAL OF PRIOR ACTS

SEC. 2. The following Acts and portion of Acts cited by reference to the Statutes at Large, except for the provisions and sections hereinafter excepted, are hereby repealed:

1. Act of July 11, 1916 (39 Stat., ch. 241, page 355).
2. Sections 5, 6, 7, 8, and 9 of Act of February 28, 1919 (40 Stat., ch. 60, page 1189 at 1200-1202).
3. Act of November 9, 1921 (42 Stat., ch. 119, page 212).
4. Section 4 of Act of June 19, 1922 (42 Stat., ch. 227, page 652 at 660-661).
5. Section 1 of Act of March 10, 1924 (43 Stat., ch. 46, page 17).
6. Act of February 12, 1925 (43 Stat., ch. 219, page 889).
7. Act of June 22, 1926 (44 Stat., ch. 648, page 760).
8. Act of March 3, 1927 (44 Stat., ch. 370, page 1398).
9. Act of May 21, 1928 (45 Stat., ch. 660, page 683).
10. Act of May 26, 1928 (45 Stat., ch. 755, page 750).
11. Act of April 4, 1930 (46 Stat., ch. 105, page 141).
12. Act of May 5, 1930 (46 Stat., ch. 226, page 261).
13. Act of June 24, 1930 (46 Stat., ch. 593, page 805).
14. Act of February 20, 1931 (46 Stat., ch. 231, page 1173).
15. Act of February 23, 1931 (46 Stat., ch. 283, page 1415).
16. Section 304 of Act of July 21, 1932 (47 Stat., ch. 520, page 709 at 722).
17. Subsection (g) of section 204 of Act of June 16, 1933 (48 Stat., ch. 90, page 195 at 204).
18. Act of June 18, 1934 (48 Stat., ch. 586, page 993).
19. Act of June 16, 1936 (49 Stat., ch. 582, page 1519).
20. Act of June 23, 1936 (49 Stat., ch. 730, page 1891).
21. Act of June 8, 1938 (52 Stat., ch. 328, page 633), except the following provision: Section 4 thereof.
22. Act of July 19, 1939 (53 Stat., ch. 328, page 1066).
23. Act of September 5, 1940 (54 Stat., ch. 715, page 867).
24. Act of November 19, 1941 (55 Stat., ch. 474, page 765).
25. Act of July 2, 1942 (56 Stat., ch. 474, page 562).
26. Act of July 13, 1943 (57 Stat., ch. 236, page 560), except the following provision: Subsection (a) of section 7 thereof.

27. Act of April 4, 1944 (58 Stat., ch. 164, page 189).
28. Act of December 20, 1944 (58 Stat., ch. 626, page 838).
29. Act of July 31, 1945 (59 Stat., ch. 333, page 507).
30. Act of July 29, 1946 (60 Stat., ch. 694, page 709).
31. Act of June 21, 1947 (61 Stat., ch. 114, page 136).
32. Act of June 29, 1948 (62 Stat., ch. 732, page 1105).
33. Act of September 7, 1950 (64 Stat. 785).
34. Act of October 15, 1951 (65 Stat., ch. 501, page 421), except the following provision: Section 1 thereof.
35. Act of October 16, 1951 (65 Stat., ch. 507, page 422).
36. Act of June 25, 1952 (66 Stat., ch. 462, page 158), except the following provisions:

(a) The first two paragraphs of section 1;

(b) The first sentence of section 2;

(c) In section 3 in the first sentence the following words: "For the purpose of carrying out the provisions of section 23 of the Federal Highway Act (42 Stat. 218), as amended and supplemented, there is hereby authorized to be appropriated (1) for forest highways the sum of \$22,500,000 for the fiscal year ending June 30, 1954, and a like sum for the fiscal year ending June 30, 1955, and (2) for forest development roads and trails the sum of \$22,500,000 for the fiscal year ending June 30, 1955.";

(d) In subsection (a) of section 4 the following words: "For the construction, reconstruction, and improvement of roads and trails, inclusive of necessary bridges, in national parks, monuments, and other areas administered by the National Park Service, including areas authorized to be established as national parks and monuments, and national park and monument approach roads authorized by the Act of January 31, 1931 (46 Stat. 1053), as amended, there is hereby authorized to be appropriated the sum of \$10,000,000 for the fiscal year ending June 30, 1955.";

(e) Subsection (b) of section 4;

(f) In subsection (c) of section 4 the following words: "For the construction, improvement, and maintenance of Indian reservation roads and bridges and roads and bridges to provide access to Indian reservations and Indian lands under the provisions of the Act approved May 26, 1928 (45 Stat. 750), there is hereby authorized to be appropriated the sum of \$10,000,000 for the fiscal year ending June 30, 1955.";

(g) In the first sentence of section 5 the following words: "Recognizing the mutual benefits that will accrue to the Republic of Nica-

ragua and to the United States from the completion of the road from San Benito to Rama in said Republic of Nicaragua, the construction of which road was begun and partially completed pursuant to an agreement between said Republic and the United States, there is hereby authorized to be appropriated \$2,000,000 for the fiscal year ending June 30, 1954, for the construction of such road, to be available until expended.”;

(h) The first sentence of section 6;

(i) In section 8 the following words: “For the purpose of carrying out the provisions of section 10 of the Federal-Aid Highway Act of 1950 (64 Stat. 785), there is hereby authorized to be appropriated for the survey, construction, reconstruction, and maintenance of main roads through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations the sum of \$2,500,000 for the fiscal year ending June 30, 1955, to remain available until expended.”

(j) Section 10 to the first proviso.

37. Act of May 6, 1954 (68 Stat., ch. 181, page 70), except the following provisions:

(a) The first two paragraphs of section 1;

(b) The last five provisos of section 1;

(c) The first sentence of subsection (a) of section 2;

(d) The first sentence of section 3 to the word “*Provided*”;

(e) Section 4 to the word “*Provided*”;

(f) Section 5;

(g) The first sentence of section 7;

(h) Section 8 to the word “*Provided*”;

(i) Section 14;

(j) Section 18; and

(k) Section 22.

38. Title I of the Act of June 29, 1956 (70 Stat. 374), except the following provisions:

(a) Subsection (a) (1) (2) of section 102;

(b) The first sentence of section 103 (a) to the word “*Provided*”;

(c) Section 104 (a), section 104 (b) and section 104 (c), to the word “*Provided*”;

(d) Section 105;

(e) Subsections (b), (c) and (d) of section 107;

(f) Section 108 (b) and (c);

(g) Section 108 (k);

(h) Section 114;



- (i) Section 117; and
- (j) The last proviso of section 118.

39. Sections 1 and 3 of the Act approved August 3, 1956 (70 Stat. 990).

40. Act of April 16, 1958 (72 Stat. 89) except the following provisions:

- (a) Subsection (a) (1) (2) of section 1;
- (b) Section 2;
- (c) The first sentence of section 3 (a) to the word "*Provided*" and the third, fourth and fifth provisos;
- (d) Subsection (b) of section 3;
- (e) Section 4 (a), section 4 (b) and section 4 (c) to the word "*Provided*";
- (f) Section 5;
- (g) Section 7;
- (h) Section 8; and
- (i) Section 9.

#### CONSTRUCTION

SEC. 3. (a) If any provision of title 23, as enacted by section 1 of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the title and the application of the provision to other persons or circumstances shall not be affected thereby.

(b) The provisions of this Act shall be subject to Reorganization Plan Numbered 5 of 1950 (64 Stat. 1263).

#### SAVINGS CLAUSE

SEC. 4. Any rights or liabilities now existing under prior Acts or portions thereof shall not be affected by the repeal of such prior Acts or portions under section 2 of this Act.

#### REPORT AND RECOMMENDATIONS

SEC. 5. The Secretary of Commerce is hereby directed to submit to the Congress not later than February 1, 1959, a report on the progress made in attaining the objectives set forth in section 101 of title 23, as enacted by section 1 of this Act, together with recommendations.







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# A BILL

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To revise, codify, and enact into law, title 23 of the United States Code, entitled "Highways".

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By Mr. Case of South Dakota

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JUNE 6, 1958

Read twice and referred to the Committee on  
Public Works







# Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE  
(For Department Staff Only)

Issued June 18, 1958  
For actions of June 17, 1958  
85th-2d, No. 99

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**HIGHLIGHTS:** Both Houses cleared for President: Commerce appropriation bill. General Government matters appropriation bill. House agreed to conference report on pay bill. Senate concurred in House amendments to bill for study of outdoor recreation resources. Senate committee reported Labor-HEW appropriation bill. Sens. Wiley and Thye introduced and Sen. Wiley discussed bill to liberalize program for distribution of surplus feed grains in disaster areas. Rep. Poage explained feed grain provisions of omnibus farm bill.

## HOUSE

- 1. APPROPRIATIONS.** Both Houses agreed to the conference report on H. R. 12540, the Commerce and related agencies appropriation bill for 1959, and acted on amendments in disagreement. The Senate agreed to amendments authorizing 10 additional supergrades each for the Civil Aeronautics Administration and the Civil Aeronautics Board. This bill will now be sent to the President. pp. 10402-403, 10353-5
- 2. PAY RAISE.** Agreed to the conference report on S. 734, the pay raise bill for classified employees. This bill will now be sent to the President. pp. 10400-402
- 3. ROADS.** The Public Works Committee ordered reported with amendment H. R. 12776, to revise, codify, and enact into law title 23 of the U. S. Code, entitled "Highways." p. D555
- 4. PUBLIC WORKS.** The Public Works Committee reported without amendment H. R. 12955, to authorize public works on rivers and harbors and flood control projects (H. Rept. 1894). p. 10425

5. **MARKETING FACILITIES.** Rep. Bolling called up, but later withdrew, a Rules Committee resolution providing for consideration of H. R. 4504, to encourage the improvement and development of marketing facilities for handling perishable agricultural commodities. pp. 10414-415
6. **SMALL BUSINESS.** The Select Committee on Small Business submitted a report on problems of small business financing (H. Rept. 1889). p. 10425
7. **TRANSPORTATION.** Received a Clinton Co., Pa., citizens resolution urging support for legislation to improve the national transportation system. p. 10425

SENATE

8. **PUBLIC WORKS.** Passed with amendments, 75 to 1, S. 3910, the rivers and harbors and flood control bill. pp. 10381-97
9. **FORESTRY.** Agreed to the House amendments to S. 846, to establish a National Outdoor Recreation Resources Review Commission to study the outdoor recreational resources of the public lands and other land and water areas of the U. S. This bill will now be sent to the President. pp. 10325-6  
Sen. Morse inserted the resolutions of the National Parks Ass'n trustees, supporting enactment of the wilderness bill, opposing dam construction or road building into the Gila Wilderness Area, urging the Forest Service and the National Park Service to discuss protection of the Northern Cascades region of Wash. as a national park, endorsing H. R. 12281, to transfer Forest Service and National Park lands at the El Portal area of Yosemite Park, and supporting the redesignation of the Bridger Primitive Area, Wyo., as a wilderness area. p. 10324
10. **APPROPRIATIONS.** Both Houses acted on amendments to H. R. 10589, the General Government matters appropriation bill for 1959, which had been reported in disagreement. This bill will now be sent to the President. pp. 10357, 10403  
The Appropriations Committee reported with amendments H. R. 11645, the Labor-HEW appropriation bill for 1959 (S. Rept. 1719). p. 10294
11. **REORGANIZATION.** The Government Operations Committee reported adversely S. Res. 297, to disapprove Reorganization Plan No. 1 of 1958, to merge the Office of Defense Mobilization and the Federal Civil Defense Administration (S. Rept. 1717). This action would approve the plan. p. 10294
12. **NATURAL RESOURCES.** The Interior and Insular Affairs Committee ordered reported the following measures:
  - S. Res. 248, to authorize joint hearings by the Public Works and Interior and Insular Affairs Committees on the relationship of water resource development programs of the U. S., the Soviet Union, and Communist China;
  - S. 2517, to authorize the States to choose mineral lands in making selections in lieu of sections of public lands occupied before State claims were made; and
  - S. Res. 225, to extend until Jan. 31, 1959, the time for submission of a study of strategic raw materials resources of the Eastern hemisphere. p. D553
13. **RECLAMATION.** The Interior and Insular Affairs Committee approved a rehabilitation and betterment proposal in Rogue River Irrigation District, Ore. p. D553







# Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE  
(For Department Staff Only)

Issued June 20, 1958  
For actions of June 19, 1958  
85th-2d, No. 101

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HIGHLIGHTS: House committee reported omnibus farm bill. House committee ordered reported bill to authorize training for Federal employees at outside facilities.

## HOUSE

1. FARM PROGRAM. The Agriculture Committee reported without amendment H. R. 12954, the omnibus farm bill. See Digest 99 for a summary of this bill. (H. Rept 1939). p. 10679
2. PERSONNEL. The Post Office and Civil Service Committee ordered reported with amendment S. 385, to authorize the training of Federal employees at public or private facilities. p. D567
3. WEATHER CONTROL. Passed as reported S. 86, to provide a weather modification research program under the direction of the National Science Foundation. pp. 10648-649, 10665-670
4. ROADS. The Public Works Committee reported without amendment H. R. 12776, to revise and codify title 23 of the U. S. Code, entitled "Highways" (H. Rept. 1938). p. 10679
5. MINERAL LEASES. The Interior and Insular Affairs Committee reported with amendment S. 2069, to amend the Mineral Leasing Act so as to promote the development of coal on the public domain (H. Rept. 1936). p. 10679

6. CHEMICAL ADDITIVES. The Interstate and Foreign Commerce Committee ordered <sup>reported</sup> without amendment H. R. 9521, to amend the Federal Food, Drug, and Cosmetic Act so as to revise the definition of the term "chemical additive" to provide that it shall not include any pesticide chemicals when used in or on any raw agricultural commodity which is produced from the soil. p. D567
7. APPROPRIATIONS. Passed with amendments, 361 to 18, H. R. 12858, making appropriations for civil functions administered by the Army, Interior, and TVA (includes appropriations for the Bureau of Reclamation, Bonneville Power Administration, Southeastern Power Administration and Southwestern Power Administration). pp. 10634-647
8. FOREIGN AID. Consent was granted until Friday night, June 20, for conferees to file a report on H. R. 12181, the mutual security authorization bill. p. 10673
9. WATERMELONS. Rep. Matthews expressed concern at the high retail price of watermelons, stating that they are retailing in D. C. at 5 cents a pound whereas the farmers in his district receive only one-fourth cent to one cent a pound. p. 10672
10. RESEARCH. Received from the National Science Foundation a proposed bill "to authorize the expenditure of funds through grants for support of scientific research and for other purposes"; to Interstate and Foreign Commerce Committee. p. 10679
11. LEGISLATIVE PROGRAM. Rep. McCormack announced that the conference report on H. R. 12181, the mutual security authorization bill, will be considered Tues., June 24, followed later in the week by H. R. 12954, the omnibus farm bill, if a rule is granted on it, and H. R. 4504, to improve marketing facilities for perishable commodities. p. 10654
12. ADJOURNED until Mon., June 23. p. 10679

SENATE

13. TAXATION. Continued debate on H. R. 12695, to extend for 1 year the corporate normal-tax rate and certain excise-tax rates. (pp. 10563-8, 10578-619). Agreed to, 59-25, an amendment by Sen. Smathers to repeal the transportation tax (pp. 10586-605).
14. FOREIGN AID. The Banking and Currency Committee ordered reported with amendment S. Res. 264, to establish an International Development Association in cooperation with the International Bank for Reconstruction and Development. p. D565
15. HOUSING. Sen. Sparkman reported for the Banking and Currency Committee an original bill without amendment S. 4035, the Housing Act of 1958. He stated that the bill would extend the program for farm housing research for 3 years, and authorize appropriations for each of the 3 years of \$100,000. pp. 10621-624 (S. Rept. 1732).  
Sen. Capehart submitted amendments he intends to propose to S. 4035, and a statement in explanation of the effects of the amendments. pp. 10625-631
16. FLOOD CONTROL. Conferees were appointed on S. 3910, the rivers and harbors and flood control authorization bill. House conferees have not yet been appointed. pp. 10571-578



# TITLE 23, U. S. CODE, "HIGHWAYS"

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## R E P O R T

OF THE

### COMMITTEE ON PUBLIC WORKS HOUSE OF REPRESENTATIVES

TO ACCOMPANY

### H. R. 12776

TO REVISE, CODIFY, AND ENACT INTO LAW, TITLE 23  
OF THE UNITED STATES CODE, ENTITLED "HIGHWAYS"



JUNE 19, 1958.—Committed to the Committee of the Whole House  
on the State of the Union and ordered to be printed

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Mr. FALLON, from the Committee on Public Works, submitted the  
following

R E P O R T

[To accompany H. R. 12776]

The Committee on Public Works, to whom was referred the bill (H. R. 12776) to revise, codify, and enact into law title 23 of the United States Code entitled "Highways," having considered the same, report favorably thereon with amendments and recommend that the bill do pass.

The amendments are as follows:

(1) Page 3, in the paragraph defining the term "parkway" strike out "chapter 3" and insert "chapter 2".

(2) Page 6, section 103 (f) is amended by striking out "title" and inserting in lieu thereof "chapter".

(3) Page 14, section 109 (e) is amended by striking out "chapter 3" and inserting in lieu thereof "chapter 2".

(4) Pages 17 and 18, section 115 (a) is amended by striking out "subsection (b) (4) (5)" each place it occurs and inserting in lieu thereof "subsection (b) (4) and (5)" at each such place.

(5) Page 22, section 121 (d) strike out "the Federal share of 10 per centum" and insert in lieu thereof "10 per centum of the Federal share".

(6) Page 25, the side heading of section 127 is amended by striking out "limitation" and inserting in lieu thereof "limitations".

(7) Page 27, section 129 (b) is amended by striking out in the last sentence thereof "Nor" and inserting in lieu thereof "No".

(8) Page 28, section 130 (a) is amended by striking out "affected" and inserting in lieu thereof "effected".

(9) Page 30, section 131 (b) is amended by striking out ": *Provided, however, That*" and inserting in lieu thereof a comma and the following: "and".



(10) Page 30, section 131 (c) is amended by striking out " : *Provided*, That the" and inserting in lieu thereof a period and the following: "The".

(11) Page 31, section 131 (e) is amended by striking out " : *Provided*, That reimbursement" and inserting in lieu thereof a period and the following: "Reimbursement".

(12) Page 39, section 213 (a) (5) is amended by striking out "neds" and inserting in lieu thereof "needs".

(13) Page 41, section 303 (c) is amended by striking out "\$100 diem" and inserting in lieu thereof "\$100 per diem".

(14) Page 45, section 318 (a) is amended by striking out "determine" and inserting in lieu thereof "determines".

(15) Page 46, section 318 (d) is amended by striking out "chapter 3" and inserting in lieu thereof "chapter 2".

(16) Page 52, subparagraph (f) of paragraph 38 of section 2 is amended to read as follows: "(f) Section 108 (b) and (c);".

(17) In the interest of uniformity of style the subsection side headings which were contained in certain sections of the introduced bill were all stricken out.

All of the committee amendments are technical in nature, designed to clarify typographical errors and otherwise to conform the bill to the style used throughout.

#### PURPOSE OF THE BILL

The purpose of this bill is to revise, codify, and enact into law title 23 of the United States Code.

Revision, as distinguished from codification, means the substitution of plain language for awkward terms, reconciliation of conflicting laws, omission of superseded sections, and consolidation of similar provisions. The purpose of this revision is not to change substantive law, but to put that law in a form which will be more useful and understandable.

The first Federal-Aid Road Act was approved on July 11, 1916. Since that date, Congress has enacted about 40 separate laws on the subject, excluding appropriation acts. Many new provisions were inserted in the various enactments. The existing laws contain provisions which are obsolete and which have amended, supplemented, or repealed, expressly or by implication, earlier provisions of law. As a result, the necessity of dealing with these many enactments has made the administration of the Federal-aid highway program difficult. The bill will place in a one-package enactment a clear, concise, up-to-date version of all the existing Federal highway laws in an orderly and logical arrangement. While the bill contains certain technical refinements and language changes to conform to existing practices and procedures, it is not intended to change any of the fundamental and underlying concepts of existing Federal highway legislation or to make any changes of real substance.

#### SCOPE OF REVISION

This revision is based upon title 23 of the United States Code and is designed to include all of the permanent provisions of the Federal highway laws which have been enacted from the date of the original law in 1916. Included in this revision are the substantive provisions of permanent law as have been contained in various appropriation

acts over the years. It does not include any provisions deemed to be of a temporary nature.

### LEGISLATIVE HISTORY IN PRIOR CONGRESSES

In 1951, during the 82d Congress, a codification bill was introduced on which no action was taken by the Congress. Congress, however, became increasingly aware of the need for such codification and the Federal-Aid Highway Act of 1954 (Public Law 350, 83d Cong.) included a provision requiring the Secretary of Commerce to transmit to the Congress a suggested draft of a bill for a revision of the Federal highway laws. This provision was contained in section 12 of the act and reads as follows:

SEC. 12. The Secretary of Commerce is authorized and directed to transmit to the Committees on Public Works of the Senate and of the House of Representatives not later than December 31, 1954, a suggested draft of a bill or bills for a Federal Highway Act, which will include such provisions of existing law, and such changed or new provisions as the Secretary deems advisable. The Secretary shall also submit a report commenting on the draft of bill or bills, which shall include specific reference to each change in, or omission of, any provision of existing law.

Pursuant to this provision, a draft bill was submitted to the committees and legislation was introduced in the 84th Congress. Hearings were held on this proposed legislation by the House Committee on Public Works. Due to the fact that legislation which eventually became the Federal-Aid Highway Act of 1956 was then being considered by the Congress, it was deemed advisable to defer final consideration of the codification bill until enactment of the 1956 act, particularly since the codification bill would necessarily incorporate the new provisions of the 1956 act. Consideration of the codification bill was again deferred awaiting final action on the Federal-Aid Highway Act of 1958.

### COMMITTEE HEARINGS

On June 5, 1958, hearings were held by the Committee on Public Works on H. R. 12776, at which time testimony was heard from representatives of interested Government agencies, including the Department of Commerce and the Bureau of Public Roads. Further testimony was received by the committee from various interested organizations. The comments of all witnesses were extremely favorable. Immediate enactment of the bill was recommended.

### ARRANGEMENT AND NUMBERING

In the preparation of the revision bill a painstaking and complete analysis was made of all congressional enactments on the subject to ascertain which provisions were repealed or which had become obsolete or surplus. The next step was to arrange the remaining provisions of existing law in an orderly and logical arrangement. Every attempt was made to restate these existing provisions in clear and concise language with the use of uniform terminology. This was work of an



extremely detailed and painstaking nature, and the committee wishes to acknowledge the invaluable cooperation of the Law Revision Counsel of the House Committee on the Judiciary in connection with this revision.

The general format of the bill is as follows:

Section 1 of the bill contains all of the Federal highway laws to be enacted as title 23 of the United States Code, divided into three chapters.

Chapter 1—Federal-Aid Highways, contains all of the provisions dealing primarily with the Federal-aid programs, including the administration of Federal-aid primary, secondary, urban, and interstate funds.

Chapter 2—Other Highways, contains all of the provisions relating to the expenditure of Federal funds on other classes of highways, including forest highways, forest development roads, park roads, parkways, Indian reservation roads, public lands highways, defense access roads, and the Inter-American Highway.

Chapter 3 contains general provisions applicable to the administration of activities by the Bureau of Public Roads.

Section 2 of the bill contains a schedule of all acts, and portions thereof, which would be repealed.

Sections 3, 4, and 5 contain miscellaneous provisions with respect to construction of the act, a savings clause, and a report to be submitted to Congress. These provisions are not regarded as appropriate for enactment as part of title 23 and, therefore, should be enacted separately.

#### GENERAL STATEMENT

Motor vehicle transportation has become of major importance in the United States, and the construction of an adequate network of highways to serve the transportation needs of this country is of critical importance. Participation by the Federal Government in the construction of the Nation's highways, through the Bureau of Public Roads of the Department of Commerce, has increased proportionately over the years with the increase in the highway needs of the Nation. Inception of the Federal-aid highway program came in 1916 with the enactment of the Federal-Aid Road Act which appropriated the sum of \$5 million to assist the States in the construction of highways for the fiscal year 1917. The Federal-Aid Highway Act of 1958, the latest in the series of major highway programs, authorized the appropriation of \$3.4 billion for Federal-aid highways, including the Interstate System, for fiscal year 1961.

It is essential that a program of such magnitude, involving the expenditure of such great sums of money, be administered with the utmost efficiency. To this end, the committee feels it is highly desirable that the officials responsible for the administration of the Federal-aid highway program have the benefit of a clear and concise code of laws, arranged in a logical and orderly sequence. With reference to this point, testimony presented to the committee showed that many of the States have revised and recodified their respective highway laws which had gotten cumbersome, voluminous, and sometimes contradictory. The results have proved beneficial to the public and a stimulus to the road program.

To ascertain the existing Federal law on a particular point frequently requires painstaking and time-consuming research by attorneys, and



for the layman who must refer to these statutes the situation often seems overwhelmingly complex. Federal-aid highway laws, directly or indirectly, affect many State or local agencies, and, in many instances, these agencies do not have convenient access to all of the congressional enactments on this subject. The result is undesirable expense and delay and, in some cases, uncertainty as to the complete requirements of the Federal law.

H. R. 12776 will reduce our current Federal-aid highway statutes from approximately 230 pages in extent to a single concise document, and will give the States and the Bureau of Public Roads a new milepost and starting place from which to reference subsequent legislation.

H. R. 12776 codifies existing Federal-aid highway legislation into a single package with the various provisions of law arranged in a logical and orderly sequence. This will simplify the administration of the Federal-aid highway program and result in a corresponding increase in efficiency and economy.

#### AGENCY COMMENTS

The legislation was proposed by the Department of Commerce based upon a directive in the Federal-Aid Highway Act of 1954. Section 12 of the 1954 act directed the Secretary of Commerce to transmit to the Committees on Public Works of the Senate and of the House a suggested draft of bill or bills for a Federal Highway Act, including such provisions of existing law and such changed or new provisions as the Secretary deemed advisable. H. R. 12776 is based largely upon the bill submitted to the 84th Congress as a result of the 1954 act with revisions to include the Federal-Aid Highway Acts of 1956 and 1958. The letter from the Secretary of Commerce proposing the legislation is as follows:

THE SECRETARY OF COMMERCE,  
*Washington, D. C., January 27, 1958.*

HON. SAM RAYBURN,  
*Speaker of the House of Representatives,*  
*Washington, D. C.*

DEAR MR. SPEAKER: The Department of Commerce recommends to the Congress for its consideration the attached draft of legislation entitled "To revise the Federal-aid highway laws of the United States."

The proposed legislation would revise and reenact into a single law the existing provisions of the original Federal-Aid Road Act of 1916 and the many amendments thereto, including the Federal-Aid Highway Act of 1956. The bill would eliminate all executed, obsolete, amended, or repealed provisions of these laws. No changes have been made in the phraseology of existing law except for purposes of clarification and organization and to conform with established administrative practice. No substantive changes of law have been made in the proposed legislation with the exception of certain minor changes and additions, principally in areas of administration, which are in line with existing practices and procedures.

The attached draft bill is based largely upon the bill submitted to the 84th Congress pursuant to section 12 of the Federal-Aid Highway Act of 1954, with the incorporation therein of the provisions of the Federal-Aid Highway Act of 1956 (70 Stat. 374), and other legislation subsequently enacted. Section 12 of the 1954 act directed the

Secretary of Commerce to transmit to the Committees on Public Works of the Senate and of the House, not later than December 31, 1954, a suggested draft of bill or bills for a Federal Highway Act, including such provisions of existing law and such changed or new provisions as the Secretary deemed advisable. Such draft bill, together with a report thereon, was submitted to Congress as required by section 12 of the 1954 act, and identical bills H. R. 234, H. R. 235, H. R. 2127, and S. 1072 were introduced in the 84th Congress, based upon said draft of bill. The Subcommittee on Roads of the House Committee on Public Works held hearings on H. R. 234, H. R. 235, and H. R. 2127 on February 16 and March 9, 1955, but no further action was taken thereon, nor was action taken by the Senate on S. 1072.

The Department believes that enactment of the proposed bill, which would simplify the Federal highway laws and facilitate their application, would expedite the administration of the highway program. The bill is recommended for the favorable consideration of Congress.

The Bureau of the Budget has advised that it would interpose no objection to the submission of the proposed bill to the Congress for its consideration and would favor its enactment.

Sincerely yours,

SINCLAIR WEEKS, *Secretary of Commerce.*

## SECTION-BY-SECTION COMPARISON OF H. R. 12776 WITH PRIOR LAW, WITH EXPLANATORY COMMENTS

H. R. 12776

SOURCES IN PRIOR LAWS

## CHAPTER 1—FEDERAL-AID HIGHWAYS

- Sec. 101. Definitions and declaration of policy.
102. Authorizations.
103. Federal-aid systems.
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113. Prevailing rate of wage—Interstate System.
114. Construction.
115. Construction by States in advance of apportionment—Interstate System.
116. Maintenance.
117. Secondary road responsibility.
118. Availability of sums apportioned.
119. Administration of Federal-aid for highways in Alaska.
120. Federal share payable.
121. Payment to States for construction.
122. Payment to States for bond retirement.
123. Relocation of utility facilities.
124. Advances to States.
125. Emergency relief.
126. Diversion.
127. Vehicle weight and width limitations—Interstate System.
128. Public hearings.
129. Toll roads, bridges, and tunnels.
130. Railway-highway crossings.
131. Areas adjacent to the Interstate System.



*Sec. 101. Definitions and declaration of policy*

(a) As used in this title, unless the context requires otherwise—

The term "apportionment" in accordance with section 104 of this title includes unexpended apportionments made under prior acts.

The term "construction" means the supervising, inspecting, actual building, and all expenses incidental to the construction or reconstruction of a highway, including locating, surveying, and mapping (including the establishment of temporary and permanent geodetic markers in accordance with specifications of the Coast and Geodetic Survey in the Department of Commerce), costs of rights-of-way, and elimination of hazards of railway-grade crossings.

*1944 Act, sec. 1, part*

The term "construction" means the supervising, inspecting, actual building \* \* \* of a highway. \* \* \*

*1944 Act, sec. 1, part*

The term "construction" means \* \* \* and all expenses incidental to the construction or reconstruction of a highway, including locating, surveying, and mapping, costs of rights-of-way, and elimination of hazards of railway-grade crossings.

*1956 Act, sec. 119*

The definition of the term "construction" in section 1 of the Federal-Aid Highway Act of 1944 is hereby amended by inserting after "mapping" the following: "(including the establishment of temporary and permanent geodetic markers in accordance with specifications of the Coast and Geodetic Survey in the Department of Commerce)".

*1950 Act, sec. 2, last proviso*

*Provided further*, That the term "county" as used in this section shall be construed to include corresponding units of government under any other name in States which do not have county organizations, and likewise in those States

The term "county" includes corresponding units of government under any other name in States which do not have county organizations, and likewise in those States in which the county government does not have jurisdiction over highways it may be construed to mean any local

government unit vested with jurisdiction over local highways.

The term "forest road or trail" means a road or trail wholly or partly within or adjacent to and serving the national forests.

The term "forest development roads and trails" means those forest roads or trails of primary importance for the protection, administration and utilization of the national forests, or where necessary, for the use and development of the resources upon which communities within or adjacent to the national forests are dependent.

The term "forest highway" means a forest road which is of primary importance to the States, counties, or communities within, adjoining, or adjacent to the national forests.

*Note:* Neither "forest highways" nor "forest development roads and trails" have been specifically defined in prior acts. The definitions conform to accepted administrative usage.

The term "highway" includes roads, streets, and parkways, and shall be comprised of, among other things, the right-of-way, bridges, railroad grade separations, tunnels, drainage structures, signs, guard rails, and protective structures in connection with highways. It also includes that portion of any interstate or international bridge or tunnel and the approaches thereto, the cost of which is assumed by a State highway department, including such facilities as may be required by the United States Customs

in which the county government does not have jurisdiction over highways it may be construed to mean any local governmental unit vested with jurisdiction over local highways.

*1921 Act, sec. 2, part*

The term "forest roads" means roads wholly or partly within or adjacent to and serving the national forests.

*1921 Act, sec. 23 (a), part*

\* \* \* roads and trails of primary importance for the protection, administration, and utilization of the national forests, or when necessary, for the use and development of the resources upon which communities within or adjacent to the national forests are dependent \* \* \*

*1921 Act, sec. 23 (a), part*

\* \* \* forest roads, of primary importance to the State, counties or communities within, adjoining, or adjacent to the national forests \* \* \*

development roads and trails" have been specifically defined in prior acts. The definitions conform to accepted administrative usage.

*1921 Act, sec. 2, part*

The term "highway" includes rights-of-way, bridges, drainage structures, signs, guard rails, and protective structures in connection with highways \* \* \*

*1936 Act, sec. 1 (c)*

The term "highway" as defined in the Federal Highway Act, approved November 9, 1921, as amended and supplemented, shall be deemed to include such main park-

and Immigration Services in connection with the operation of an international bridge or tunnel.

The term "Federal-aid highways" means highways located on one of the Federal-aid systems described in section 103 of this title.

ways as may be designated by the State and approved by the Secretary of Agriculture as part of the Federal-aid highway system.

1938 Act, sec. 1 (e)

The term "highway" as defined in the Federal Highway Act (42 Stat. 212), as amended and supplemented, shall be deemed to include that portion of any interstate or international bridge and the approaches thereto, the cost of which is assumed by the State highway department, including such facilities as may be required by the United States Customs and Immigration Services in connection with the operation of such bridge.

1928 Act, par. 3

"Bridges" includes railroad grade separations, whether by means of overhead or underpass crossings.

1954 Act, sec. 15

The term "highway", as defined in section 2 of the Federal Highway Act of November 9, 1921 (42 Stat. 212), as amended and supplemented, shall be deemed to include "tunnels".

Act approved May 26, 1928 (45 Stat. 750), part

\* \* \* Indian reservation roads not eligible to Government aid under the Federal Highway Act \* \* \*

1956 Act, sec. 104 (c), part

\* \* \* Indian reservation roads and bridges and roads and bridges to provide access to Indian reservations and Indian lands \* \* \*

The term "Indian reservation roads and bridges" means roads and bridges that are located within an Indian reservation or that provide access to an Indian reservation or Indian land, and that are jointly designated by the Secretary of the Interior and the Secretary as a part of the Indian Bureau road system.



The term "maintenance" means the preservation of the entire highway, including surface, shoulders, road sides, structures, and such traffic control devices as are necessary for its safe and efficient utilization.

*Note:* The definition of maintenance in the existing law relates only to the highway surface. The definition here proposed modernizes the existing definition to cover the entire highway and to include the shoulders, roadsides, structures, and traffic control devices. The proposed definition is in conformity with existing practice.

The term "park roads and trails" means those roads or trails, including the necessary bridges, located in national parks or monuments, now or hereafter established, or in other areas administered by the National Park Service of the Department of the Interior (excluding parkways authorized by Acts of Congress) and also including approach roads to national parks or monuments authorized by the Act of January 31, 1931 (46 Stat. 1053), as amended.

The term "parkway", as used in chapter 2 of this title, means a parkway authorized by an act of Congress on lands to which title is vested in the United States.

*Note:* "Parkway" has not been defined specifically in prior acts. However, this is the definition which has been used in the authorization sections of the acts since 1950.

The term "project" means an undertaking to construct a particular portion of a highway, or if the context so implies, the particular portion of a highway so constructed.

The term "project agreement" means the formal instrument to be executed by the State highway department and the Secretary as required by the provisions of paragraph (a) of section 110 of this title.

*1921 Act, sec. 2, part*

The term "maintenance" means the constant making of needed repairs to preserve a smooth surfaced highway.

The existing law relates only to the highway surface. The definition here proposed modernizes the existing definition to cover the entire highway and to include the shoulders, roadsides, structures, and traffic control devices. The proposed definition is in conformity with existing practice.

*1956 Act, sec. 104 (a), part*

\* \* \* roads and trails, inclusive of necessary bridges, in national parks, monuments, and other areas administered by the National Park Service, including areas authorized to be established as national parks and monuments, and national park and monument approach roads authorized by the Act of January 31, 1931 (46 Stat. 1053), as amended \* \* \*.

*1956 Act, sec. 104 (b), part*

\* \* \* parkways, authorized by Acts of Congress, on lands to which title is vested in the United States \* \* \*.

The existing law relates only to the highway surface. The definition here proposed modernizes the existing definition to cover the entire highway and to include the shoulders, roadsides, structures, and traffic control devices. The proposed definition is in conformity with existing practice.

The term "public lands highways" means main highways through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations.

The term "rural areas" means all areas of a State not included in urban areas.

The term "Secretary" means Secretary of Commerce.

The term "State" means any one of the forty-eight States, the District of Columbia, Hawaii, Alaska, or Puerto Rico.

The term "State funds" includes for the purposes of this Act funds raised under the authority of the State or any political or other subdivision thereof, and made available for expenditure under the direct control of the State highway department.

The term "State highway department" means that department, commission, board, or official of any State charged by its laws with the responsibility for highway construction.

The term "Federal-aid system" means any one of the Federal-aid highway systems described in section 103 of this title.

The term "Federal-aid primary system" means the Federal-aid highway system described in subsection (b) of section 103 of this title.

The term "Federal-aid secondary system" means the Federal-aid highway system described in subsection (c) of section 103 of this title.

*1956 Act, sec. 105, part*

\* \* \* main roads through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations. \* \* \*

*1944 Act, sec. 1, part*

The term "rural areas" means all areas of the State not included in "urban areas".

*1921 Act, sec. 2, part*

The term "State funds" includes for the purposes of this act funds raised under the authority of the State, or any political or other subdivision thereof, and made available for expenditure under the direct control of the State highway department.

*1921 Act, sec. 2, part*

The term "State highway department" includes any State department, commission, board, or official having adequate powers and suitably equipped and organized to discharge to the satisfaction of the Secretary of Agriculture the duties herein required.

The term "Interstate System" means the National System of Interstate and Defense Highways described in subsection (d) of section 103 of this title.

The term "urban area" means an area including and adjacent to a municipality or other urban place having a population of 5,000 or more, as determined by the latest available Federal census, within boundaries to be fixed by a State highway department subject to the approval of the Secretary.

(b) It is hereby declared to be in the national interest to accelerate the construction of the Federal-aid highway systems, including the National System of Interstate and Defense Highways, since many of such highways, or portions thereof, are in fact inadequate to meet the needs of local and interstate commerce, the national and civil defense.

It is hereby declared that the prompt and early completion of the National System of Interstate and Defense Highways, so named because of its primary importance to the National defense and hereafter referred to as the "Interstate System", is essential to the national interest and is one of the most important objectives of this Act. It is the intent of Congress that the Interstate System be completed as nearly as practicable over the period of availability of the thirteen years' appropriations authorized for the purpose of expediting its construction, recon-

#### *1944 Act, sec. 1, part*

The term "urban area" means an area including and adjacent to a municipality or other urban place, of five thousand or more, the population of such included municipality or other urban place to be determined by the latest available Federal census. The boundaries of urban areas, as defined herein, will be fixed by the State highway department of each State subject to the approval of the Public Roads Administration.

#### *1956 Act, sec. 116*

(a) ACCELERATION OF PROGRAM.—It is hereby declared to be in the national interest to accelerate the construction of the Federal-aid highway systems, including the Interstate System, since many of such highways, or portions thereof, are in fact inadequate to meet the needs of local and interstate commerce, the national and the civil defense.

#### *1956 Act, sec. 108 (a) part*

\* \* \* Because of its primary importance to the national defense, the name of such system is hereby changed to the "National System of Interstate and Defense Highways". Such National System of Interstate and Defense Highways is hereinafter in this Act referred to as the "Interstate System".



struction or improvement, inclusive of necessary tunnels and bridges, through the fiscal year ending June 30, 1969, under section 108 (b) of the Federal-Aid Highway Act of 1956 (70 Stat. 374), and that the entire System in all States be brought to simultaneous completion. Insofar as possible in consonance with this objective, existing highways located on an interstate route shall be used to the extent that such use is practicable, suitable, and feasible, it being the intent that local needs, to the extent practicable, suitable and feasible, shall be given equal consideration with the needs of interstate commerce.

*1956 Act, sec. 108*

(a) INTERSTATE SYSTEM.—It is hereby declared to be essential to the national interest to provide for the early completion of the "National System of Interstate Highways", as authorized and designated in accordance with section 7 of the Federal-Aid Highway Act of 1944 (58 Stat. 838). It is the intent of the Congress that the Interstate System be completed as nearly as practicable over a thirteen-year period and that the entire System in all the States be brought to simultaneous completion.

*1956 Act, sec. 116*

(b) COMPLETION OF INTERSTATE SYSTEM—PROGRESS REPORT ON FEDERAL-AID HIGHWAY PROGRAM.—It is further declared that one of the most important objectives of this Act is the prompt completion of the Interstate System. Insofar as possible in consonance with this objective, existing highways located on an interstate route shall be used to the extent that such use is practicable, suitable, and feasible, it being the intent that local needs, to the extent practicable, suitable, and feasible, shall be given equal consideration with the needs of interstate commerce.

Prior authorization acts would not be repealed under the bill.

*Sec. 102. Authorizations*

The provisions of this title apply to all unappropriated authorizations contained in prior acts, and also to all unexpended appropriations heretofore made, providing for the expenditure of Federal funds upon the Federal-aid systems. All such authorizations and appropriations shall continue in full force and effect, but hereafter obliga-

tions entered into and expenditures made pursuant thereto shall be subject to the provisions of this title.

*Sec. 103. Federal-Aid Systems*

(a) For the purposes of this title, the three Federal-aid systems the primary and secondary systems, and the Interstate System, established by prior Acts, are hereby continued pursuant to the provisions of this section.

(b) The Federal-aid primary system shall consist of an adequate system of connected main highways, selected or designated by each State through its State highway department, subject to the approval of the Secretary as provided by paragraph (e) of this section. This system shall not exceed 7 percent of the total highway mileage of such State, exclusive of mileage within national forests, Indian or other Federal reservations and within urban areas, as shown by the records of the State highway department on November 9, 1921. Whenever provision has been made by any State for the completion and maintenance of 90 percent of its Federal-aid primary system, as originally designated, said State through its State highway department by and with the approval of the Secretary is authorized to increase the mileage of its Federal-aid primary system by additional mileage equal to not more than 1 percent of the total mileage of said State as shown by the records on November 9, 1921. Thereafter, it may make like 1 percent increases in the mileage of its Federal-aid primary system whenever provision has been made for the completion and maintenance of 90 percent of the entire system, including the additional mileage previously authorized. This system may be located both in rural and urban areas. The mileage

*1921 Act, sec. 6, 1st and 2d paragraphs*

That in approving projects to receive Federal aid under the provisions of this act the Secretary of Agriculture shall give preference to such projects as will expedite the completion of an adequate and connected system of highways interstate in character.

Before any projects are approved in any State, such State, through its State highway department, shall select or designate a system of highways not to exceed 7 per centum of the total highway mileage of such State as shown by the records of the State highway department at the time of the passage of this act.

*Act of May 21, 1928 (45 Stat. 683), sec. 3*

The system of Federal-aid highways on which Federal funds may be expended in any State may exceed 7 per centum of the total highway mileage of such State by the mileage of roads on said system within national forest, Indian, or other Federal reservations therein.

*Act of July 21, 1932 (47 Stat. 709), sec. 304*

Whenever provision has been made by any State for the completion and maintenance of 90 per centum of its system of primary or interstate and secondary or inter-

limitations in this paragraph shall not apply to the District of Columbia, Hawaii, Alaska, or Puerto Rico.

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county highways equal to 7 per centum of the total mileage of such State, as required by this act, said State through its State highway department, by and with the approval of the Secretary of Agriculture, is hereby authorized to increase the mileage of the primary or interstate and secondary or intercounty systems by additional mileage equal to not more than 1 per centum of said total mileage of such State, and thereafter to make like increases in the mileage of said systems whenever provision has been made for the completion and maintenance of 90 per centum of the mileage of said systems previously authorized in accordance herewith.

*Act of February 23, 1931 (46 Stat. 1415)*

That the system \* \* \* Territory of Hawaii \* \* \* may be determined \* \* \* without regard to the limitations \* \* \* respecting the selection and designation of such system of roads; and when the system first determined and agreed upon shall have been completed, additions thereto may be made in like manner as funds become available for the construction and maintenance of such additions. \* \* \*

*Act of June 23, 1936 (49 Stat. 1891)*

That the system \* \* \* Territory of Puerto Rico \* \* \* may be determined \* \* \* without regard to the limitations \* \* \* respecting the selection and designation of such system of roads; and, when the system first determined and agreed upon shall have been completed, additions thereto may be made in like manner as funds



become available for the construction and maintenance of such additions.

*1938 Act, sec. 1 (b), proviso*

That the system \* \* \* District of Columbia \* \* \* may be determined. \* \* \* without regard to the limitations \* \* \* respecting the selection and designation of such system of roads; and, when the system first determined and agreed upon shall have been completed, additions thereto may be made in like manner as funds become available for the construction and maintenance of such additions.

*1956 Act, sec. 107 (a), part*

The system or systems of roads on which Federal-aid apportionments to the Territory of Alaska are to be expended shall be determined and agreed upon by the Governor of Alaska, the Territorial Highway Engineer of Alaska, and the Secretary of Commerce without regard to the limitations contained in section 6 of the Federal Highway Act (42 Stat. 212), as amended and supplemented.

*1944 Act, sec. 3 (b), except last proviso*

\* \* \* projects on the principal secondary and feeder roads, including farm-to-market roads, rural free delivery mail and public-school bus routes, either outside of municipalities or inside of municipalities of less than five thousand population: *Provided*, That these funds shall be expended on a system of such roads selected by the State highway departments in cooperation with the county supervisors, county commissioners, or other appropriate

(c) The Federal-aid secondary system shall be selected by the State highway departments and the appropriate local road officials in cooperation with each other, subject to approval by the Secretary as provided in subsection (e) of this section. In making such selections, farm-to-market roads, rural mail routes, public school bus routes, local rural roads, county roads, township roads, and roads of the county road class may be included, so long as they are not on the Federal-aid primary system or the Inter-

state System. This system shall be confined to rural areas, except (1) that in any State having a population density of more than two hundred per square mile as shown by the latest available Federal census, the system may include mileage in urban areas as well as rural, and (2) that the system may be extended into urban areas subject to the conditions that any such extension passes through the urban area or connects with another Federal-aid system within the urban area, and that Federal participation in projects on such extensions is limited to urban funds.

local road officials and the Commissioner of Public Roads: *Provided further*, That in any State having a population density of more than two hundred per square mile, as shown by the latest available Federal census, the said system may be selected by the State highway department with the approval of the Commissioner of Public Roads without regard to included municipal boundaries.

*1948 Act, sec. 1, second paragraph (part)*

\* \* \* in selecting county and township roads on which funds are to be expended, the State highway departments shall cooperate with township trustees and other appropriate local road officials \* \* \*

*1944 Act, sec. 1, last paragraph*

The term "secondary and feeder roads" means roads in rural areas, including farm-to-market roads, rural-mail routes, and school-bus routes, and not on the Federal-aid system.

*1950 Act, sec. 1 (b), proviso—part*

That such funds shall be expended on the secondary and feeder roads, farm-to-market roads, rural mail routes, public school bus routes, local rural roads, county roads, township roads, and roads of the county-road class. \* \* \*

*1954 Act, sec. 16*

The Secretary of Commerce may approve as a part of the Federal-aid secondary system, extensions through urban areas, connecting points on that system, provided that Federal participation in projects on such extensions shall be limited to urban funds.

*1944 Act, sec. 7*

There shall be designated within the continental United States, a National System of Interstate Highways not exceeding forty thousand miles in total extent so located as to connect by routes, as direct as practicable, the principal metropolitan areas, cities, and industrial centers, to serve the national defense, and to connect at suitable border points with routes of continental importance in the Dominion of Canada and the Republic of Mexico. The routes of the National System of Interstate Highways shall be selected by joint action of the State highway departments of each State and the adjoining States, as provided by the Federal Highway Act of November 9, 1921, for the selection of the Federal-aid system. All highways or routes included in the National System of Interstate Highways as finally approved, if not already included in the Federal-aid highway system, shall be added to said system without regard to any mileage limitation.

*1956 Act, sec. 108 (l), part*

INCREASE IN MILEAGE.—Section 7 of the Federal-Aid Highway Act of 1944 (58 Stat. 838), relating to the Interstate System, is hereby amended by striking out "forty thousand", and inserting in lieu thereof "forty-one thousand".

(d) The Interstate System shall be designated within the continental United States and it shall not exceed forty-one thousand miles in total extent. It shall be so located as to connect by routes, as direct as practicable, the principal metropolitan areas, cities, and industrial centers, to serve the national defense, and to connect at suitable border points with routes of continental importance in the Dominion of Canada and the Republic of Mexico. The routes of this system shall be selected by joint action of the State highway departments of each State and the adjoining States, subject to approval by the Secretary as provided in subsection (e) of this section. All highways or routes included in the Interstate System as finally approved, if not already coincident with the primary system, shall be added to said system without regard to the mileage limitation set forth in subsection (b) of this section. This system may be located both in rural and urban areas.



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(c) The Secretary shall have authority to approve in whole or in part the Federal-aid primary system, the Federal-aid secondary system, and the Interstate System, as and when such systems or portions thereof are designated, or to require modifications or revisions thereof. No Federal-aid system or portion thereof shall be eligible for projects in which Federal funds participate until approved by the Secretary.

(f) The system or systems of roads in the Territory of Alaska on which Federal-aid funds may be expended under this chapter shall be determined and agreed upon by the Governor of Alaska, the Alaska Highway and Public Works Board, and the Secretary.

(g) The system of highways on which funds apportioned to the Territory of Hawaii under this chapter shall be expended may be determined and agreed upon by the Governor of said Territory and the Secretary.

*Note:* Section 103 (b) makes no change in existing law but is simply a clarification to make it clear that the 7 percent limitation is not applicable to the primary system in urban areas. At the time of the enactment of the 1921 and 1928 Acts, the Federal-aid funds were not available for expenditure in urban areas. The 7 percent limitation, therefore, had no application to the Federal-aid systems in urban areas. The Federal-aid primary systems are now extended within urban areas, but the law was never amended to expressly make clear that the 7 percent limitation did not apply to urban areas. The exclusion from the 7 percent limitation of mileage in *urban areas* is therefore added to section 103 (b) as a clarification in line with actual practice and the intent of Congress. The pro-

*1921 Act, sec. 6, 5th paragraph*

The Secretary of Agriculture shall have authority to approve in whole or in part the systems as designated or to require modifications or revisions thereof: *Provided*, That the States shall submit to the Secretary of Agriculture for his approval any proposed revisions of the designated systems of highways above provided for.

*1956 Act, sec. 107 (a), part*

The system of systems of roads on which Federal-aid apportionments to the Territory of Alaska are to be expended shall be determined and agreed upon by the Governor of Alaska, the Territorial Highway Engineer of Alaska, and the Secretary of Commerce.

*Act of February 23, 1931 (46 Stat. 1415)*

\* \* \* the system of roads on which Federal-aid apportionments to the Territory of Hawaii shall be expended may be determined and agreed upon by the Governor of said Territory and the Secretary. \* \* \*

posed language merely expresses what is already existing, but which must be traced through several enactments.

As a clarification, the proposed language in section 103 (c) would provide that extensions of the Federal-aid secondary system which connect with another Federal-aid system within an urban area need not extend entirely through such area. The existing law refers only to extensions *through* urban areas connecting points on the Federal-aid secondary system. To carry out the congressional intent to provide an integrated highway system, it was considered desirable to clarify the existing law to provide that such extensions of the secondary system either pass *through* the urban area or connect with another Federal-aid system *within* the urban area. This is in accord with actual practice with respect to system designation.

#### *Sec. 104. Apportionment*

(a) Whenever an apportionment is made of the sums authorized to be appropriated for expenditure upon the Federal-aid systems, the Secretary shall deduct a sum, in such amount not to exceed 3¼ per centum of all sums so authorized, as the Secretary may deem necessary for administering the provisions of law to be financed from appropriations for the Federal-aid systems and for carrying on the research authorized by subsections (a) and (b) of section 307 of this title. In making such determination, the Secretary shall take into account the unexpended balance of any sums deducted for such purposes in prior years. The sum so deducted shall be available for expenditure from the unexpended balance of any appropriation made at any time for expenditure upon the Federal-aid systems, until such sum has been expended.

#### *1921 Act, sec. 21, 2d paragraph*

Within sixty days after the close of each fiscal year the Secretary of Agriculture shall determine what part, if any, of the sums theretofore deducted for such purpose will not be needed and apportion such part, if any, for the fiscal year then current in the same manner and on the same basis as are other amounts authorized by this act apportioned among all the States, and shall certify such apportionment to the Secretary of the Treasury and to the State highway departments.

#### *1948 Act, sec. 6*

That so much, not to exceed 3¼ per centum, of all moneys appropriated or authorized to be appropriated for expenditure under the provisions of this Act, as the Federal Works Administrator may deem necessary for administering the provisions of this Act and for carrying on necessary highway research and investigational studies independently or in cooperation with the State highway departments and other research agencies, and for publishing the results thereof, shall be deducted therefrom for

such purposes when the apportionment is made and the amount so deducted shall be available until expended from appropriations made under the provisions of this Act: \* \* \*

*1936 Act, sec. 1 (b), 1st sentence*

On or before January 1 of each year, the Secretary of Agriculture shall apportion among the several States, as provided in section 21 of the Federal Highway Act of 1921, the sums authorized for the fiscal year immediately following.

*1921 Act, sec. 21, 3d paragraph*

The Secretary of Agriculture, after making the deduction authorized by this section, shall apportion the remainder of the appropriation made for expenditure under the provision of the act for the fiscal year among the several States in the following manner: One-third in the ratio which the area of each State bears to the total area of all the States; one-third in the ratio which the population of each State bears to the total population of all the States, as shown by the latest available Federal census; one-third in the ratio which the mileage of rural delivery routes and star routes in each State bears to the total mileage of rural delivery and star routes in all the States at the close of the next preceding fiscal year, as shown by certificate of the Postmaster General, which he is directed to make and furnish annually to the Secretary of Agri-

(b) On or before January 1 next preceding the commencement of each fiscal year, except as provided in paragraphs (4) and (5) of this subsection, the Secretary, after making the deduction authorized by subsection (a) of this section, shall apportion the remainder of the sums authorized to be appropriated for expenditure upon the Federal-aid systems for that fiscal year, among the several States in the following manner:

(1) For the Federal-aid primary system: One-third in the ratio which the area of each State bears to the total area of all the States, except that only one-third of the area of Alaska shall be included; one-third in the ratio which the population of each State bears to the total population of all the States as shown by the latest available Federal census; one-third in the ratio which the mileage of rural delivery routes and star routes in each State bears to the total mileage of rural delivery and star routes in all the States at the close of the next preceding fiscal year, as shown by a certificate of the Postmaster General, which he is directed to make and furnish annually to the Secretary. No State shall receive less than one-half of 1 per centum of each year's apportionment.



culture: Provided, That no State shall receive less than one-half of 1 per centum of each year's allotment.

*1956 Act, sec. 107 (a), part*

\* \* \* the Territory of Alaska shall be included in the calculations to determine the basis of apportionment of such funds, except that one-third only of the area of Alaska shall be used in the calculations to determine the area factor in the apportionment of such funds: \* \* \*

*1944 Act, sec. 4 (b)*

One-third in the ratio which the area of each State bears to the total area of all the States; one-third in the ratio which the rural population of each State bears to the total rural population of all the States, as shown by the Federal census of 1940; and one-third in the ratio which the mileage of rural delivery and star routes in each State bears to the total mileage of rural delivery and star routes in all the States: *Provided*, That no State shall receive less than one-half of one per centum of each year's allotment under subsection (a) and this subsection.

*1950 Act, sec. 1 (c), 2d paragraph, proviso*

*Provided*, That the census figures used in making said apportionments shall be those shown by the latest available Federal census.

*1944 Act, sec. 4 (c)*

In the ratio which the population in municipalities and other urban places, of five thousand or more, in each State bears to the total population in municipalities and other urban places, of five thousand or more, in all the States as

(2) For the Federal-aid secondary system: One-third in the ratio which the area of each State bears to the total area of all the States, except that only one-third of the area of Alaska shall be included; one-third in the ratio which the rural population of each State bears to the total rural population of all the States as shown by the latest available Federal census; and one-third in the ratio which the mileage of rural delivery and star routes, certified as above provided, in each State bears to the total mileage of rural delivery and star routes in all the States. No State shall receive less than one-half of 1 per centum of each year's apportionment.

(3) For extensions of the Federal-aid primary and Federal-aid secondary systems within urban areas: In the ratio which the population in municipalities and other urban places, of five thousand or more, in each State bears to the total population in municipalities and other urban places of five thousand or more in all the States, as shown

by the latest available Federal census. For the purpose of this paragraph, Connecticut and Vermont towns shall be considered municipalities regardless of their incorporated status.

(4) For the Interstate System, for the fiscal years ending June 30, 1957, June 30, 1958, and June 30, 1959: One-half in the ratio which the population of each State bears to the total population of all the States as shown by the latest available Federal census, except that no State shall receive less than three-fourths of 1 per centum of the funds so apportioned; and one-half in the manner provided in paragraph (1) of this subsection. The sums authorized by section 108 (b) of the Federal-Aid Highway Act of 1956 for the fiscal years ending June 30, 1958 and June 30, 1959, shall be apportioned on a date not less than six months and not more than 12 months in advance of the beginning of the fiscal year for which authorized.

(5) For the Interstate System for the fiscal years 1960 through 1969: In the ratio which the estimated cost of completing the Interstate System in each State, as determined and approved in the manner provided in this paragraph, bears to the sum of the estimated cost of completing the Interstate System in all of the States. Each apportionment herein authorized for the fiscal years 1960 through 1969, inclusive, shall be made on a date as far in advance of the beginning of the fiscal year for which authorized as practicable but in no case more than eighteen

shown by the latest available Federal census: *Provided*, That Connecticut and Vermont towns shall be considered municipalities regardless of their incorporated status.

*1954 Act, sec. 2 (a)*

One-half in the ratio which the population of each State bears to the total population of all the States, as shown by the latest available Federal census: *Provided*, That no State shall receive less than three-fourths of 1 per centum of the money so apportioned; and one-half in the manner now provided by law for apportionment of funds for the Federal-aid primary system:

*1956 Act, sec. 108 (c), part*

The additional sums herein authorized for the fiscal years ending June 30, 1958, and June 30, 1959, shall be apportioned on a date not less than six months and not more than twelve months in advance of the beginning of the fiscal year for which authorized.

*1956 Act, sec. 108 (d)*

APPORTIONMENTS FOR SUBSEQUENT YEARS BASED UPON REVISED ESTIMATES OF COST.—All sums authorized by this section to be appropriated for the fiscal years 1960 through 1969, inclusive, shall be apportioned among the several States in the ratio which the estimated cost of completing the Interstate System in each State, as determined and approved in the manner provided in this subsection, bears to the sum of the estimated cost of completing the Interstate System in all of the States. Each

months prior to the beginning of the fiscal year for which authorized. As soon as the standards provided for in subsection (b) of section 109 have been adopted, the Secretary, in cooperation with the State highway departments, shall make a detailed estimate of the cost of completing the Interstate System as then designated, after taking into account all previous apportionments made under this section, based upon such standards and in accordance with rules and regulations adopted by him and applied uniformly to all of the States. The Secretary shall transmit such estimate to the Senate and the House of Representatives within ten days subsequent to January 2, 1958. Upon approval of such estimate by the Congress by concurrent resolution, the Secretary shall use such approved estimate in making apportionments for the fiscal years ending June 30, 1960, June 30, 1961, and June 30, 1962. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System, after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1962. Upon approval of such estimate by the Congress by concurrent resolution, the Secretary shall use such approved estimate in making apportionments for the fiscal years ending June 30, 1963, June 30, 1964, June 30, 1965, and June 30, 1966. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System, after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the

apportionment herein authorized for the fiscal years 1960 through 1969, inclusive, shall be made on a date as far in advance of the beginning of the fiscal year for which authorized as practicable but in no case more than eighteen months prior to the beginning of the fiscal year for which authorized. As soon as the standards provided for in subsection (i) have been adopted, the Secretary of Commerce, in cooperation with the State highway departments, shall make a detailed estimate of the cost of completing the Interstate System as then designated, after taking into account all previous apportionments made under this section, based upon such standards and in accordance with rules and regulations adopted by him and applied uniformly to all of the States. The Secretary of Commerce shall transmit such estimate to the Senate and the House of Representatives within ten days subsequent to January 2, 1958. Upon approval of such estimate by the Congress by concurrent resolution, the Secretary of Commerce shall use such approved estimate in making apportionments for the fiscal years ending June 30, 1960, June 30, 1961, and June 30, 1962. The Secretary of Commerce shall make a revised estimate of the cost of completing the then designated Interstate System, after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1962. Upon approval of such estimate by the Congress by concurrent resolution, the Secretary of Commerce shall use such approved estimate in making apportionments for the fiscal years ending June 30, 1963, June 30,



Senate and the House of Representatives within ten days subsequent to January 2, 1966, and annually thereafter through and including January 2, 1968. Upon approval of any such estimate by the Congress by concurrent resolution, the Secretary shall use such approved estimate in making apportionments for the fiscal year which begins next following the fiscal year in which such report is transmitted to the Senate and House of Representatives. Whenever the Secretary, pursuant to this subsection, requests and receives estimates of cost from the State highway departments, he shall furnish copies of such estimates at the same time to the Senate and the House of Representatives. In making the estimates of cost for completing the Interstate System as provided in this paragraph, the cost of completing any mileage designated from the one thousand additional miles authorized by section 108 (l) of the Federal-Aid Highway Act of 1956 shall be excluded.

(c) Not more than 20 per centum of the amount apportioned in any fiscal year, commencing with the apportionment of funds authorized to be appropriated under sub-

1964, June 30, 1965, and June 30, 1966. The Secretary of Commerce shall make a revised estimate of the cost of completing the then designated Interstate System, after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1966, and annually thereafter through and including January 2, 1968. Upon approval of any such estimate by the Congress by concurrent resolution, the Secretary of Commerce shall use such approved estimate in making apportionments for the fiscal year which begins next following the fiscal year in which such report is transmitted to the Senate and the House of Representatives. Whenever the Secretary of Commerce, pursuant to this subsection, requests and receives estimates of cost from the State highway departments, he shall furnish copies of such estimates at the same time to the Senate and the House of Representatives.

1956 Act, sec. 108 (l), part

\* \* \* *Provided*, That the cost of completing any mileage designated from the one thousand additional miles authorized by this subsection shall be excluded in making the estimates of cost for completing the Interstate System as provided in subsection (d) of this section.

1956 Act, sec. 102 (c)

TRANSFERS OF APPORTIONMENTS.—Not more than 20 per centum of the respective amounts apportioned to a

section (a) of section 102 of the Federal-Aid Highway Act of 1956 (70 Stat. 374), to each State in accordance with paragraph (1), (2), or (3) of subsection (b) of this section may be transferred from the apportionment under one paragraph to the apportionment under any other of such paragraphs if such a transfer is requested by the State highway department and is approved by the Governor of such State and the Secretary as being in the public interest. The total of such transfers shall not increase the original apportionment under any of such paragraphs by more than 20 per centum. Nothing contained in this subsection shall alter or impair the authority contained in subsection (d) of this section.

(d) Any funds which are apportioned under paragraph (2) of subsection (b) of this section for the Federal-aid secondary system to a State in which all public roads and highways are under the control and supervision of the State highway department may, if the State highway department and the Secretary jointly agree that such funds are not needed for the Federal-aid secondary system, be expended for projects on another Federal-aid system.

State for any fiscal year from funds made available for expenditure under clause (A), clause (B), or clause (C) of subsection (a) (1) of this section, may be transferred to the apportionment made to such State under any other of such clauses, except that no such apportionment may be increased by more than 20 per centum by reason of transfers to it under this subsection: *Provided*, That such transfer is requested by the State highway department and is approved by the Governor of such State and the Secretary of Commerce as being in the public interest: *Provided further*, That the transfers hereinabove permitted for funds authorized to be appropriated for the fiscal years ending June 30, 1958, and June 30, 1959, shall likewise be permitted on the same basis for funds which may be hereafter authorized to be appropriated for any subsequent fiscal year: *And provided further*, That nothing herein contained shall be deemed to alter or impair the authority contained in the last proviso to paragraph (b) of section 3 of the Federal-Aid Highway Act of 1944.

*1944 Act, sec. 3 (b), last proviso*

*Provided further*, That any of such funds for secondary and feeder roads which are apportioned to a State in which all public roads and highways are under the control and supervision of the State highway department may, if the State highway department and the Commissioner of Public Roads jointly agree that such funds are not needed for secondary and feeder roads, be expended for projects in such State on the Federal-aid highway system.

(e) On or before January 1 preceding the commencement of each fiscal year, the Secretary shall certify to each of the State highway departments the sums which he has apportioned hereunder to each State for such fiscal year, and also the sums which he has deducted for administration and research pursuant to subsection (a) of this section.

*1921 Act, sec. 22*

That within sixty days after the approval of this act the Secretary of Agriculture shall certify to the Secretary of the Treasury and to each of the State highway departments the sum he has estimated to be deducted for administering the provisions of this act and the sums which he has apportioned to each State for the fiscal year ending June 30, 1922, and on or before January 20 next preceding the commencement of each succeeding fiscal year, and shall make like certificates for each fiscal year.

*Note:* Section 104 (a), last sentence, would provide that unexpended balances of sums deducted for administrative expenses for prior years would be taken into account in determining the necessary deduction for the current year. Separate apportionment of unexpended balances would not be required. Under the Language of the 1921 Act, within sixty days after the close of each fiscal year, any sums previously deducted for administration and not needed are to be reapportioned. Over the years, the Bureau has followed the practice of carrying over any unexpended amounts which had been so deducted and taking these amounts into consideration in making deductions under the next apportionment. The carryover method was developed in order to carry out, in the most economical and efficient manner, the intent of Congress that the States receive the benefit of any sums not needed for administrative and research purposes. Such method results in an increased sum for apportionment to the States at the next regular apportionment of Federal-aid funds in the same amount as otherwise would be reapportioned. This method, therefore, eliminates considerable paper work and accomplishes the purpose of the law.

*Sec. 105. Programs*

(a) As soon as practicable after the apportionments for the Federal-aid systems have been made for any fiscal year, the State highway department of any State desiring

*1936 Act, sec. 1 (b), 2d sentence*

When said apportionment has been made for any fiscal year, the State highway departments may submit projects to the Secretary of Agriculture for his approval.



to avail itself of the benefits of this chapter shall submit to the Secretary for his approval a program or programs of proposed projects for the utilization of the funds apportioned. The Secretary shall act upon programs submitted to him as soon as practicable after the same have been submitted. The Secretary may approve a program in whole or in part, but he shall not approve any project in a proposed program which is not located upon an approved Federal-aid system.

(b) In approving programs for projects on the Federal-aid secondary system, the Secretary shall require, except in States where all public roads and highways are under the control and supervision of the State highway department, that such projects be selected by the State highway department and the appropriate local officials in cooperation with each other.

(c) In approving programs for projects on the Federal-aid primary system, the Secretary shall give preference to such projects as will expedite the completion of an adequate and connected system of highways interstate in character.

(d) In approving programs for projects under this title, the Secretary may give priority of approval to, and expedite the construction of, projects that are recommended as important to the national defense by the Secretary of Defense, or other official authorized by the President to make such recommendation.

### *1921 Act, sec. 11, 1st sentence*

That any State having complied with the provisions of this act, and desiring to avail itself of the benefits thereof, shall by its State highway department submit to the Secretary of Agriculture project statements setting forth proposed construction or reconstruction of any primary or interstate, or secondary or intercounty highway therein.

### *1950 Act, sec. 1 (b)*

\* \* \* the Federal-aid secondary highway system \* \* \* the projects for construction shall be selected \* \* \* by the State highway department and the appropriate local officials in cooperation with each other.

### *1921 Act, sec. 6, 1st paragraph*

That in approving projects to receive Federal aid under the provisions of this act the Secretary of Agriculture shall give preference to such projects as will expedite the completion of an adequate and connected system of highways interstate in character.

### *1940 Act, sec. 19*

In approving Federal-aid highway projects to be carried out with any unobligated funds apportioned to any State, the Commissioner of Public Roads may give priority of approval to, and expedite, and construction of, projects that are recommended by the appropriate Federal defense agency as important to the national defense.

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(e) In approving programs in Hawaii, the Secretary shall give preference to such projects as will expedite the completion of highways for the national defense or which will connect seaports with units of the national parks.

*Act of March 10, 1924 (43 Stat. 17), proviso*

*Provided*, That in approving road projects in such Territory to receive Federal aid, the Secretary of Agriculture shall give preference to such projects as will expedite the completion of an adequate system of highways for the national defense or which will connect seaports with units of the national parks.

*Note*: Section 105 (a) of the bill refers to a "program" of proposed projects instead of a "project statement" as contained in existing law. This minor change conforms to the procedure and regulations of the Bureau of Public Roads which have been in effect for many years.

*Sec. 106. Plans, Specifications and Estimates*

(a) Except as provided in section 117 of this title, the State highway department shall submit to the Secretary for his approval, as soon as practicable after program approval, such surveys, plans, specifications, and estimates for each proposed project included in an approved program as the Secretary may require. The Secretary shall act upon such surveys, plans, specifications, and estimates as soon as practicable after the same have been submitted, and his approval of any such project shall be deemed contractual obligation of the Federal Government for the payment of its proportional contribution thereto. In taking such action, the Secretary shall be guided by the provisions of section 109 of this title.

(b) In addition to the approval required under subsection (a) of this section, proposed specifications for projects for construction on the Federal-aid secondary system, except in States where all public roads and highways are

*1921 Act, sec. 11, 1st and 2d paragraphs (part)*

If the Secretary of Agriculture approve the project, the State highway department shall furnish to him such surveys, plans, specifications, and estimates therefor as he may require \* \* \*.

That when the Secretary of Agriculture approves such surveys, plans, specifications and estimates \* \* \*.

*1936 Act, sec. 1 (b), part*

The Secretary of Agriculture shall act upon projects submitted to him under any such apportionment and his approval of any such project shall be deemed a contractual obligation of the Federal Government for the payment of its proportional contribution thereto \* \* \*.

*1950 Act, sec. 1 (b), proviso (part)*

\* \* \* Secondary \* \* \* roads \* \* \* projects for construction \* \* \* specifications with respect thereto shall be determined by the State highway department and the

appropriate local officials in cooperation with each other.

under the control and supervision of the State highway department, shall be determined by the State highway department and the appropriate local officials in cooperation with each other.

(c) Items included in any such estimate for construction engineering shall not exceed 10 per centum of the total estimated cost of the project, after excluding from such total estimated cost, the estimated costs of rights-of-way, preliminary engineering, and construction engineering.

*Note:* Section 106 (a) of the bill provides that approval by the Secretary of any project (plans, specifications, and estimates) shall be deemed a contractual obligation of the Federal Government for the payment of its proportional contribution relating thereto. This language conforms to the established Bureau procedure based upon section 1 (b) of the 1936 act. The second proviso in section 2 of the 1944 act refers to the approval of the project agreement as constituting the contractual obligation of the Federal Government. The bill by omitting this latter provision eliminates the possible conflict between the 1936 and 1944 acts.

Section 106 (c) contains slight language changes for clarification to make it expressly clear that the estimate upon which the 10 percent limitation for construction engineering is based refers only to the estimate for actual construction costs and that such limitation does not apply to unforeseen contingencies, which cannot be estimated. The revised language is in line with actual experience and practice on the part of the Bureau of Public Roads.

#### *Sec. 107. Acquisition of Rights-of-Way—Interstate System.*

(a) In any case in which the Secretary is requested by any State to acquire lands or interests in lands (including within the term "interests in lands", the control of access thereto from adjoining lands) required by such State for right-of-way or other purposes in connection with the prosecution of any project for the construction, reconstruction, or improvement of any section of the Interstate System, the Secretary is authorized in the name of the United States and prior to the approval of title by the

#### *1921 Act, sec. 11, first paragraph (part)*

\* \* \* items included for engineering, inspection, and unforeseen contingencies shall not exceed 10 per centum of the total estimated costs of its construction.

#### *1956 Act, sec. 109 (a)*

FEDERAL ACQUISITION FOR STATES.—In any case in which the Secretary of Commerce is requested by any State to acquire any lands or interests in lands (including within the term "interests in lands", the control of access thereto from adjoining lands) required by such State for right-of-way or other purposes in connection with the prosecution of any project for the construction, reconstruction, or improvement of any section of the Interstate System, the Secretary of Commerce is authorized, in the



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Attorney General, to acquire, enter upon, and take possession of such lands or interests in lands by purchase, donation, condemnation, or otherwise in accordance with the laws of the United States (including the Act of February 26, 1931, 46 Stat. 1421), if—

(1) the Secretary has determined either that such State is unable to acquire necessary lands or interests in lands, or is unable to acquire such lands or interests in lands with sufficient promptness; and

(2) such State has agreed with the Secretary to pay, at such time as may be specified by the Secretary, an amount equal to 10 per centum of the costs incurred by the Secretary, in acquiring such lands or interests in lands, or such lesser percentage which represents the State's pro rata share of project costs as determined in accordance with subsection (c) of section 120 of this title.

The authority granted by this section shall also apply to lands and interests in lands received as grants of land from the United States and owned or held by railroads or other corporations.

(b) The costs incurred by the Secretary in acquiring any such lands or interests in lands may include the cost of examination and abstract of title, certificate of title, advertising, and any fees incidental to such acquisition. All costs incurred by the Secretary in connection with the acquisition of any such lands or interests in lands shall be

name of the United States and prior to the approval of title by the Attorney General, to acquire, enter upon, and take possession of such lands or interests in lands by purchase, donation, condemnation, or otherwise in accordance with the laws of the United States (including the Act of February 26, 1931, 46 Stat. 1421), if—

(1) the Secretary of Commerce has determined either that such State is unable to acquire necessary lands or interests in lands, or is unable to acquire such lands or interests in lands with sufficient promptness; and

(2) such State has agreed with the Secretary of Commerce to pay, at such time as may be specified by the Secretary of Commerce, an amount equal to 10 per centum of the costs incurred by the Secretary of Commerce, in acquiring such lands or interests in lands, or such lesser percentage which represents the State's pro rata share of project costs as determined in accordance with section 108 (c) of this title.

The authority granted by this section shall also apply to lands and interests in lands received as grants of land from the United States and owned or held by railroads or other corporations.

1956 Act, sec. 109 (b)

**COSTS OF ACQUISITION.**—The costs incurred by the Secretary of Commerce in acquiring any such lands or interests in lands may include the cost of examination and abstract of title, certificate of title, advertising, and any fees incidental to such acquisition. All costs incurred by

paid from the funds for construction, reconstruction, or improvement of the Interstate System apportioned to the State upon the request of which such lands or interests in lands are acquired, and any sums paid to the Secretary by such State as its share of the costs of acquisition of such lands or interests in lands shall be deposited in the Treasury to the credit of the appropriation for Federal-aid highways and shall be credited to the amount apportioned to such State as its apportionment of funds for construction, reconstruction, or improvement of the Interstate System, or shall be deducted from other moneys due the State for reimbursement from funds authorized to be appropriated under section 108 (b) of the Federal-Aid Highway Act of 1956.

(c) The Secretary is further authorized and directed by proper deed, executed in the name of the United States, to convey any such lands or interests in lands acquired in any State under the provisions of this section, except the outside five feet of any such right-of-way in any State which does not provide control of access, to the State highway department of such State or such political subdivision thereof as its laws may provide, upon such terms and conditions as to such lands or interests in lands as may be agreed upon by the Secretary and the State highway department or political subdivisions to which the conveyance is to be made. Whenever the State makes provision for control of access satisfactory to the Secretary, the outside five feet then shall be conveyed to the State by the Secretary, as herein provided.

the Secretary of Commerce in connection with the acquisition of any such lands or interests in lands shall be paid from the funds for construction, reconstruction, or improvement of the Interstate System apportioned to the State upon the request of which such lands or interests in lands are acquired, and any sums paid to the Secretary of Commerce by such State as its share of the costs of acquisition of such lands or interests in lands shall be deposited in the Treasury to the credit of the appropriation for Federal-aid highways and shall be credited to the amount apportioned to such State as its apportionment of funds for construction, reconstruction, or improvement of the Interstate System, or shall be deducted from other moneys due the State for reimbursement under section 108 of this title.

*1956 Act, sec. 109 (c)*

CONVEYANCE OF ACQUIRED LANDS TO THE STATES.—The Secretary of Commerce is further authorized and directed by proper deed, executed in the name of the United States, to convey any such lands or interests in lands acquired in any State under the provisions of this section, except the outside five feet of any such right-of-way in any State which does not provide control of access, to the State highway department of such State or such political subdivision thereof as its laws may provide, upon such terms and conditions as to such lands or interests in lands as may be agreed upon by the Secretary of Commerce and the State highway department or political subdivisions to which the conveyance is to be made. Whenever the State makes provision for control of access satisfactory to the Secretary of Commerce, the outside

five feet then shall be conveyed to the State by the Secretary of Commerce, as herein provided.

*1956 Act, sec. 109 (d)*

**RIGHTS-OF-WAY OVER PUBLIC LANDS.**—Whenever rights-of-way, including control of access, on the Interstate System are required over public lands or reservations of the United States, the Secretary of Commerce may make such arrangements with the agency having jurisdiction over such lands as may be necessary to give the State or other person constructing the projects on such lands adequate rights-of-way and control of access thereto from adjoining lands, and any such agency is hereby directed to cooperate with the Secretary of Commerce in this connection.

interests in lands" is substituted for "public lands

*1956 Act, Sec. 110*

(a) **ADVANCE RIGHT-OF-WAY ACQUISITION.**—For the purpose of facilitating the acquisition of rights-of-way on any of the Federal-aid highway systems, including the Interstate System, in the most expeditious and economical manner, and recognizing that the acquisition of rights-of-way requires lengthy planning and negotiations if it is to be done at a reasonable cost, the Secretary of Commerce is hereby authorized, upon request of a State highway department, to make available to such State for acquisition of rights-of-way, in anticipation of construction and under such rules and regulations as the Secretary of Com-

(d) Whenever rights-of-way, including control of access, on the Interstate System are required over lands or interests in lands owned by the United States, the Secretary may make such arrangements with the agency having jurisdiction over such lands as may be necessary to give the State or other person constructing the projects on such lands adequate rights-of-way and control of access thereto from adjoining lands, and any such agency is hereby directed to cooperate with the Secretary in this connection.

*Note:* In section 107 (d) the term "lands or reservations" for purposes of clarity.

*Sec. 108. Advance Acquisition of Rights-of-Way*

(a) For the purpose of facilitating the acquisition of rights-of-way on any of the Federal-aid highway systems, including the Interstate System, in the most expeditious and economical manner, and recognizing that the acquisition of rights-of-way requires lengthy planning and negotiations if it is to be done at a reasonable cost, the Secretary, upon the request of the State highway department, is authorized to make available the funds apportioned to any State for expenditure on any of the Federal-aid highway systems, including the Interstate System, for acquisition of rights-of-way, in anticipation of



construction and under such rules and regulations as the Secretary may prescribe. The agreement between the Secretary and the State highway department for the reimbursement of the cost of such rights-of-way shall provide for the actual construction of a road on such rights-of-way within a period not exceeding five years following the fiscal year in which such request is made.

(b) Federal participation in the cost of rights-of-way acquired under this section shall not exceed the Federal pro rata share applicable to the class of funds from which Federal reimbursement is made.

*Sec. 109. Standards*

(a) The Secretary shall not approve plans and specifications for proposed projects on any Federal-aid system if they fail to provide for a facility (1) that will adequately meet the existing and probable future traffic needs and conditions in a manner conducive to safety, durability, and economy of maintenance; and (2) that will be designed and constructed in accordance with standards best suited to accomplish the foregoing objectives and to conform to the particular needs of each locality.

merce may prescribe, the funds apportioned to such State for expenditure on any of the Federal-aid highway systems, including the Interstate System: *Provided*, That the agreement between the Secretary of Commerce and the State highway department for the reimbursement of the cost of such rights-of-way shall provide for the actual construction of a road on such rights-of-way within a period not exceeding five years following the fiscal year in which such request is made: *Provided further*, That Federal participation in the cost of rights-of-way so acquired shall not exceed the Federal pro rata share applicable to the class of funds from which Federal reimbursement is made.

*1956 Act, sec. 110 (a) part*

*Provided further*, That Federal participation in the cost of rights-of-way so acquired shall not exceed the Federal pro rata share applicable to the class of funds from which Federal reimbursement is made.

*1921 Act, sec. 8*

That only such durable types of surface and kinds of materials shall be adopted for the construction and reconstruction of any highway which is a part of the primary or interstate and secondary or intercounty systems as will adequately meet the existing and probable future traffic needs and conditions thereon. The Secretary of Agriculture shall approve the types and width of construction and reconstruction and the character of improvement, repair, and maintenance in each case, consideration being given to the type and character which

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shall be best suited for each locality and to the probable character and extent of the future traffic.

*1921 Act, sec. 9, 2d paragraph*

That all highways in the primary or interstate system constructed after the passage of this act shall have a right of way of ample width and a wearing surface of an adequate width which shall not be less than eighteen feet, unless, in the opinion of the Secretary of Agriculture, it is rendered impracticable by physical conditions, excessive costs, probable traffic requirements, or legal obstacles.

*1938 Act, sec. 12, (part)*

Hereafter the Secretary of Agriculture shall approve only \* \* \* such plans and specifications of highway construction for the type or types proposed \* \* \* conducive to safety, durability, and economy of maintenance.

*1956 Act, Sec. 108*

(i) STANDARDS.—The geometric and construction standards to be adopted for the Interstate System shall be those approved by the Secretary of Commerce in cooperation with the State highway departments. Such standards shall be adequate to accommodate the types and volumes of traffic forecast for the year 1975. The right-of-way width of the Interstate System shall be adequate to permit construction of projects on the Interstate System up to such standards. The Secretary of Commerce shall apply such standards uniformly throughout the States. Such standards shall be adopted by the Secretary of Commerce

(b) The geometric and construction standards to be adopted for the Interstate System shall be those approved by the Secretary in cooperation with the State highway departments. Such standards shall be adequate to accommodate the types and volumes of traffic forecast for the year 1975. The right-of-way width of the Interstate System shall be adequate to permit construction of projects on the Interstate System up to such standards. The Secretary shall apply such standards uniformly throughout the States.

in cooperation with the State highway departments as soon as practicable after the enactment of this Act.

*1950 Act, sec. 1 (b), proviso (part)*

That such funds shall be expended on the secondary and feeder roads \* \* \* with types of construction that can be maintained at reasonable cost to provide all-weather service. \* \* \*

*1944 Act, sec. 12*

On any highway or street hereafter constructed with Federal aid in any State, the location, form, and character of informational, regulatory, and warning signs, curb and pavement or other markings, and traffic signals installed or placed by any public authority, or other agency, shall be subject to the approval of the State highway department with the concurrence of the Public Roads Administration; and the Commissioner of Public Roads is hereby directed to concur only in such installations as will promote the safe and efficient utilization of the highways.

*1936 Act, sec. 8, proviso*

*Provided,* That no part of the appropriations hereafter made for the purpose of carrying out the provisions of the Federal Highway Act, or any Acts amendatory thereof or supplementary thereto, shall be approved for expenditure on any highway unless proper safety protective devices shall be installed or be in operation at any highway and railroad grade crossing or drawbridge on that portion of the highway with respect to which such expenditures are to be made and said devices shall comply with the safety standards determined by the United States Bureau of Public Roads at that time as being adequate.

(c) Projects on the Federal-aid secondary system in which Federal funds participate shall be constructed according to specifications that will provide all-weather service and permit maintenance at a reasonable cost.

(d) On any highway project in which Federal funds hereafter participate, or on any such project constructed since December 20, 1944, the location, form and character of informational, regulatory and warning signs, curb and pavement or other markings, and traffic signals installed or placed by any public authority or other agency, shall be subject to the approval of the State highway department with the concurrence of the Secretary, who is hereby directed to concur only in such installations as will promote the safe and efficient utilization of the highways.

(e) No funds shall be approved for expenditure on any Federal-aid highway, or highway affected under chapter 2 of this title, unless proper safety protective devices complying with safety standards determined by the Secretary at that time as being adequate shall be installed or be in operation at any highway and railroad grade crossing or drawbridge on that portion of the highway with respect to which such expenditures are to be made.



(f) The Secretary shall not, as a condition precedent to his approval under section 106 of this title, require any State to acquire title to, or control of, any marginal land along the proposed highway in addition to that reasonably necessary for road surfaces, median strips, gutters, ditches, and side slopes, and of sufficient width to provide service roads for adjacent property to permit safe access at controlled locations in order to expedite traffic, promote safety, and minimize roadside parking.

*Note:* Section 109 (a) of the bill modernizes the language in existing law to conform to present-day conditions. For example, it eliminates reference to the obsolete minimum width requirement of 18 feet since present-day needs often require a wider minimum.

#### *Sec. 110. Project Agreements*

(a) As soon as practicable after the plans, specifications, and estimates for a specific project have been approved, the Secretary shall enter into a formal project agreement with the State highway department concerning the construction and maintenance of such project. Such project agreement shall make provision for State funds required for the State's pro rata share of the cost of construction of such project and for the maintenance thereof after completion of construction.

#### *1944 Act, sec. 2, last proviso*

*Provided, however,* That the Commissioner of Public Roads shall not, as a condition of approval of any project for Federal aid hereunder, require any State to acquire title to, or control of, any marginal land along the proposed highway in addition to that reasonably necessary for road surfaces, median strips, gutters, ditches, and side slopes and sufficient width to provide service roads for adjacent property to permit safe access at controlled locations in order to expedite traffic, promote safety, and minimize roadside parking.

#### *1944 Act, sec. 2, part*

As soon as the funds for each of the post-war fiscal years have been apportioned, the Commissioner of Public Roads is authorized to enter into agreements with the State highway departments for the making of surveys and plans, the acquisition of rights-of-way, and the post-war construction of projects.

#### *1921 Act, sec. 7*

That before any project shall be approved by the Secretary of Agriculture for any State such State shall make provisions for State funds required each year of such States by this Act for construction, reconstruction, and maintenance of all Federal-aid highways within the State, which

funds shall be under the direct control of the State highway department.

(b) The Secretary may rely upon representations made by the State highway department with respect to the arrangements or agreements made by the State highway department and appropriate local officials where a part of the project is to be constructed at the expense of, or in cooperation with, local subdivisions of the State.

*Note:* Section 110 (a) of the bill consolidates existing provisions of law and is descriptive of procedures followed by the Bureau of Public Roads.

Section 110 (b) incorporates in express language the interpretation of existing law since local subdivisions of a State at times participate in Federal-aid work. This language will result in no change in operating procedures.

*Sec. 111. Agreements Relating to Use of and Access to Rights-of-Way—Interstate System*

All agreements between the Secretary and the State highway department for the construction of projects on the Interstate System shall contain a clause providing that the State will not add any points of access to, or exit from, the project in addition to those approved by the Secretary. Such agreements shall also contain a clause providing that the State will not permit automotive service stations or other commercial establishments for serving motor vehicle users to be constructed or located on the rights-of-way of the Interstate System. Such agreements may, however, authorize a State or political subdivision thereof to use the air space above and below the established grade line of the highway pavement for the parking of motor vehicles provided such use does not interfere in any way with the free flow of traffic on the Interstate System.

*1956 Act, Sec. 112*

All agreements between the Secretary of Commerce and the State highway department for the construction of projects on the Interstate System shall contain a clause providing that the State will not add any points of access to, or exit from, the project in addition to those approved by the Secretary in the plans for such project, without the prior approval of the Secretary. Such agreements shall also contain a clause providing that the State will not permit automotive service stations or other commercial establishments for serving motor vehicle users to be constructed or located on the rights-of-way of the Interstate System. Such agreements may, however, authorize a State or political subdivision thereof to use the air space above and below the established grade line of the highway pavement for the parking of motor vehicles provided such use does not interfere in any way with the free flow of traffic on the Interstate System.

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*Sec. 112. Letting of Contracts*

(a) In all cases where the construction is to be performed by the State highway department or under its supervision, a request for submission of bids shall be made by advertisement unless some other method is approved by the Secretary. The Secretary shall require such plans and specifications and such methods of bidding as shall be effective in securing competition.

(b) Construction of each project, subject to the provisions of subsection (a) of this section, shall be performed by contract awarded by competitive bidding, unless the Secretary shall affirmatively find that, under the circumstances relating to such project some other method is in the public interest. All such findings shall be reported promptly in writing to the Committees on Public Works of the Senate and the House of Representatives.

(c) The Secretary shall require as a condition precedent to his approval of each contract awarded by competitive bidding pursuant to subsection (b), and subject to the provisions of this section, a sworn statement, executed by, or on behalf of, the person, firm, association or corporation to whom such contract is to be awarded, certifying

*1938 Act, sec. 12*

Hereafter the Secretary of Agriculture shall approve only such methods of bidding and such plans and specifications of highway construction for the type or types proposed as will be effective in securing competition and conducive to safety, durability, and economy of maintenance.

*1954 Act, sec. 17 (a)*

Highway construction work performed in pursuance of agreements between the Secretary of Commerce and any State highway department which requires approval by the Secretary of Commerce and which is financed in whole or in part by funds authorized under this or succeeding Acts, shall be performed by contract awarded by competitive bidding under such procedures as may by regulations be prescribed by the Secretary of Commerce, unless the Secretary of Commerce shall affirmatively find that, under the circumstances relating to a given project, some other method is in the public interest. All such findings shall be reported promptly in writing to the Committees on Public Works of the Senate and the House of Representatives.

*1954 Act, sec. 17 (b)*

In any case in which approval by the Secretary of Commerce of any contract for such highway construction work is required, the Secretary shall require as a condition precedent to such approval a sworn statement executed by, or on behalf of, the person, firm, association, or



that such person, firm, association or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken action in restraint of free competitive bidding in connection with such contract.

(d) No contract awarded by competitive bidding pursuant to subsection (b), and subject to the provisions of this section, shall be entered into by any State highway department or local subdivision of the State without compliance with the provisions of this section, and without the prior concurrence by the Secretary in the award thereof.

(e) The provisions of this section shall not be applicable to contracts for projects on the Federal-aid secondary system in those States where the Secretary has discharged his responsibility pursuant to section 117 of this title.

*Note:* The provisions of section 112 (a) concerning the language in section 112 (e) is interpretive of existing law and is for purposes of clarification only.

The language in section 112 (e) is interpretive of existing law and is for purposes of clarification only.

### *Sec. 113. Prevailing Rate of Wage—Interstate System*

(a) The Secretary shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors on the initial construction work performed on highway projects on the Interstate System authorized under section 108 (b) of the Federal-Aid Highway Act of 1956, shall be paid wages at rates not less than those prevailing on the same type

corporation to whom such contract is to be awarded, certifying that such person, firm, association, or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with such contract.

### *1921 Act, sec. 12, 1st sentence (part)*

\* \* \* all contracts, plans, specifications, and estimates relating thereto, shall be undertaken by the State highway departments subject to the approval of the Secretary of Agriculture.

### *1956 Act, sec. 115*

(a) APPLICATION OF DAVIS-BACON ACT.—The Secretary of Commerce shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors on the initial construction work performed on highway projects on the Interstate System authorized under section 108 of this title shall be paid wages at rates not less than those prevailing on the

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of work on similar construction in the immediate locality as determined by the Secretary of Labor in accordance with the Act of August 30, 1935, known as the Davis-Bacon Act (40 U. S. C., sec. 276-a).

(b) In carrying out the duties of subsection (a), the Secretary of Labor shall consult with the highway department of the State in which a project on the Interstate System is to be performed. After giving due regard to the information thus obtained, he shall make a predetermination of the minimum wages to be paid laborers and mechanics in accordance with the provisions of the foregoing subsection which shall be set out in each project advertisement for bids and in each bid proposal form and shall be made a part of the contract covering the project.

*Sec. 114. Construction*

(a) The construction of any highways or portions of highways located on a Federal-aid system shall be undertaken by the respective State highway departments or under their direct supervision. Except as provided in section 117 of this title, such construction shall be subject to the inspection and approval of the Secretary. The construction work and labor in each State shall be performed under the direct supervision of the State highway department and in accordance with the laws of that State and applicable Federal laws. Construction may be begun as soon as funds are available for expenditure pursuant to subsection (a) of section 118 of this title.

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same type of work on similar construction in the immediate locality as determined by the Secretary of Labor in accordance with the Act of August 30, 1935, known as the Davis-Bacon Act (40 U. S. C., sec. 276-a).

(b) CONSULTATION WITH STATE HIGHWAY DEPARTMENTS; PREDETERMINATION OF RATES.—In carrying out the duties of the foregoing subsection, the Secretary of Labor shall consult with the highway department of the State in which a project on the Interstate System is to be performed. After giving due regard to the information thus obtained, he shall make a predetermination of the minimum wages to be paid laborers and mechanics in accordance with the provisions of the foregoing subsection which shall be set out in each project advertisement for bids and in each bid proposal form and shall be made a part of the contract covering the project.

*1921 Act, sec. 12*

That the construction and reconstruction of the highways or parts of highways under the provisions of this act \* \* \* shall be undertaken by the State highway departments subject to the approval of the Secretary of Agriculture. The construction and reconstruction work and labor in each State shall be done in accordance with its laws and under the direct supervision of the State highway department, subject to the inspection and approval of the Secretary of Agriculture and in accordance with the rules and regulations pursuant to this act.

*1936 Act, sec. 1 (b), proviso (part)*

That projects approved under any apportionment before the beginning of the fiscal year for which such apportionment has been made may be contracted for by the States and construction thereon may be begun \* \* \*

*Act approved June 20, 1956 (70 Stat. 314)*

None of the money appropriated for the work of the Bureau of Public Roads during the current fiscal year shall be paid to any State on account of any project on which convict labor shall be employed, but this provision shall not apply to labor performed by convicts on parole or probation.

(b) Convict labor shall not be used in such construction unless it is labor performed by convicts who are on parole or probation.

*Note:* The third sentence of section 114 (a) of the bill includes the phrase "and applicable Federal laws." Such statement is for clarification only and does not represent a change in existing law.

*Sec. 115. Construction by States in Advance of Apportionment—Interstate System*

(a) When a State has obligated all funds apportioned to it under subsection (b) (4) and (5) of section 104 of this title, and proceeds to construct any project without the aid of Federal funds, including one or more parts of any project, on the Interstate System as designated at that time, in accordance with all procedures and all requirements applicable to projects financed with Interstate System funds authorized to be appropriated under subsection (b) of section 108 of the Federal-Aid Highway Act of 1956, except insofar as such procedures and requirements limit a State to the construction of projects with the aid of Federal funds previously apportioned to it, the Secretary, upon application by such State and his

*1956 Act, sec. 108 (h)*

(h) In any case in which a State has obligated all funds apportioned to it under this section and proceeds, subsequent to the date of enactment of this Act, to construct (without the aid of Federal funds) any project (including one or more parts of any project) on the Interstate System, as designated at that time, in accordance with all procedures and all requirements applicable to projects financed under the provisions of this section (except insofar as such procedures and requirements limit a State to the construction of projects with the aid of Federal funds previously apportioned to it), the Secretary of Commerce, upon application by such State and his approval of such application, is authorized, whenever additional funds are apportioned to such State under this section, to pay to such State from



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approval of such application, is authorized to pay to such State the Federal share of the costs of construction of such project when additional funds are apportioned to such State under subsection (b) (4) and (5) of section 104 of this title if—

(1) prior to the construction of the project the Secretary shall have approved the plans and specifications therefor in the same manner as other projects on the Interstate System; and

(2) the project shall conform to the standards adopted under subsection (b) of section 109 of this title.

(b) In determining the apportionment for any fiscal year under the provisions of subsection (b) (5) of section 104 of this title, any such project constructed by a State without the aid of Federal funds shall not be considered completed until an application under the provisions of this section with respect to such project has been approved by the Secretary.

*Sec. 116. Maintenance*

(a) Except as provided in subsection (d) of this section, it shall be the duty of the State highway department to maintain, or cause to be maintained, any project constructed under the provisions of this chapter or constructed under the provisions of prior Acts. The State's obligation to the United States to maintain any such project shall cease when it no longer constitutes a part of a Federal-aid system.

(b) In any State wherein the State highway department is without legal authority to maintain a project

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such funds the Federal share of the costs of construction of such project: *Provided*, That prior to construction of any such project, the plans and specifications therefore shall have been approved by the Secretary of Commerce in the same manner as other projects on the Interstate System: *Provided further*, That any such project shall conform to the standards adopted under subsection (i). In determining the apportionment for any fiscal year under the provisions of subsection (d) of this section, any such project constructed by a State without the aid of Federal funds shall not be considered completed until an application under the provisions of this subsection with respect to such project has been approved by the Secretary of Commerce.

*1950 Act, sec. 6*

It shall be the duty of the State to maintain any highway within its boundaries after construction under the provisions of this Act. If any time the Commissioner of the Bureau of Public Roads shall find that any such highway in any State is not being properly maintained he shall call such fact to the attention of the highway department of such State and if within ninety days after receipt of such notice said highway has not been put in a proper condition of maintenance, then the Commissioner of Public Roads shall withhold approval of further projects

constructed on the Federal-aid secondary system, or within a municipality, such highway department shall enter into a formal agreement for its maintenance with the appropriate officials of the county or municipality in which such project is located.

(c) If at any time the Secretary shall find that any project constructed under the provisions of this chapter, or being properly maintained, he shall call such fact to the attention of the State highway department. If, within ninety days after receipt of such notice, such project has not been put in proper condition of maintenance, the Secretary shall withhold approval of further projects of all types in the entire State until such project shall have been put in proper condition of maintenance, unless such project is subject to an agreement pursuant to paragraph (b) of this section, in which case approval shall be withheld only for secondary or urban projects in the county or municipality where such project is located.

(d) The Federal-aid funds apportioned to the Territory of Alaska and the funds contributed by the Territory under section 120 of this title may be expended for the maintenance of roads within the system or systems of roads agreed upon under section 103 (f) of this title under the same terms and conditions as for the construction of such roads.

in such State until such highway has been restored to a proper condition of maintenance: *Provided*, That in any State wherein the highway department is without legal authority to maintain a highway so constructed as a secondary or an urban road project the highway department of such State shall enter into a formal agreement with the appropriate officials of the county or city in which such highway is located for its maintenance, and if at any time the Commissioner of Public Roads shall find that such highway is not being properly maintained he shall call such fact to the attention of the highway department of such State and if within ninety days after receipt of such notice said highway has not been put in proper condition of maintenance then the Commissioner of Public Roads shall withhold approval of further secondary or urban road projects in such county or city until said highway shall have been placed in a proper condition of maintenance.

*1956 Act, sec. 107 (a), part*

\* \* \* and both such funds may be expended for the maintenance of roads within the system or systems of roads agreed upon under the same terms and conditions as for the construction of such roads.

*Note:* Section 116 (a) of the bill provides that the duty of maintenance on the part of the States with respect to a Federal-aid project shall cease when such project has been removed from a Federal-aid system. Upon such removal, Federal interest on the project ceases, and therefore the State's obligation to the United States to maintain should also terminate. This is particularly true in the case of relocation of existing roads. This language has been included as a clarification of existing law.

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*Sec. 117. Secondary Road Responsibility*

(a) The Secretary may, upon the request of any State highway department, discharge his responsibility relative to the plans, specifications, estimates, surveys, contract awards, design, inspection, and construction of all projects on the Federal-aid secondary system by his receiving and approving a certified statement by the State highway department setting forth that the plans, design, and construction for each such project are in accord with those standards and procedures which (1) were adopted by such State highway department, (2) were applicable to projects in this category, and (3) were approved by him.

(b) The Secretary shall not approve such standards and procedures unless they are in accordance with the provisions of subsection (b) of section 105, subsection (b) of section 106, and subsection (c) of section 109, of this title.

(c) Subsections (a) and (b) of this section shall not be construed to relieve the Secretary of his obligation to make a final inspection of each project after construction and to require an adequate showing of the estimated cost of construction and the actual cost of construction.

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*1958 Act, Sec. 1 (b) part*

*Provided further*, That in the case of those sums heretofore, herein, or hereafter apportioned to any State for projects on the Federal-aid secondary highway system, the Secretary of Commerce may, upon the request of any State, discharge his responsibility relative to the plans, specifications, estimates, surveys, contract awards, design, inspection, and construction of such secondary road projects by his receiving and approving a certified statement by the State highway department setting forth that the plans, design, and construction for such projects are in accord with the standards and procedures of such State applicable to projects in this category approved by him: Provided further, That such approval shall not be given unless such standards and procedures are in accordance with the objectives set forth in section 1 (b) of the Federal-Aid Highway Act of 1950: And provided further, That nothing contained in the foregoing provisos shall be construed to relieve any State of its obligation now provided by law relative to maintenance, nor to relieve the Secretary of Commerce of his obligation with respect to the selection of the secondary system or the location of projects thereon, to make a final inspection after construction of each project, and to require an adequate showing of the estimated and actual cost of construction of each project.



*Sec. 118. Availability of Sums Apportioned*

(a) On and after the date that the Secretary has certified to each State highway department the sums apportioned to each Federal-aid system or part thereof pursuant to an authorization under this Act, or under prior Acts, such sums shall be available for expenditure under the provisions of this title.

(b) Such sums shall continue available for expenditure in that State for the appropriate Federal-aid system or part thereof for a period of two years after the close of the fiscal year for which such sums are authorized and any amounts so apportioned remaining unexpended at the end of such period shall lapse, except that any amount apportioned to the States for the Interstate System under subsection (b) (4) and (5) of section 104 of this title remaining unexpended at the end of the period during which it is available under this section shall lapse, and shall immediately be reapportioned among the other States in accordance with the provisions of subsection (b) (5) of section 104 of this title. Such sums for any fiscal year shall be deemed to be expended if a sum equal to the total of the sums apportioned to the State for such fiscal year and previous fiscal years is covered by formal project agreements providing for the expenditure of funds authorized by each Act which contains provisions authorizing the appropriation of funds for Federal-aid highways.

*1936 Act, sec. 1 (b), part*

When said apportionment has been made for any fiscal year, the State highway departments may submit projects to the Secretary of Agriculture for his approval.

*1944 Act, sec. 2, part*

As soon as the funds for each of the post-war fiscal years have been apportioned, the Commissioner of Public Roads is authorized to enter into agreements with the State highway departments for the making of surveys and plans, the acquisition of rights-of-way, and the post-war construction of projects.

*1954 Act, sec. 1, 4th paragraph, part, including 1st proviso*

Any sums apportioned to any State under the provision of this section shall be available for expenditure in that State for two years after the close of the fiscal year for which such sums are authorized, and any amounts so apportioned remaining unexpended at the end of such period shall lapse: *Provided*, That such funds for any fiscal year shall be deemed to have been expended if a sum equal to the total of the sums apportioned to the State for such fiscal year is covered by formal agreements with the Secretary of Commerce for the improvement of specific projects as provided by this Act.

*1954 Act, sec. 2 (b) (c)*

Any sums apportioned to any State under the provisions of this section shall be available for expenditure in that State for two years after the close of fiscal year for which such sums are authorized: *Provided*, That such funds shall be deemed to be expended upon execution of

Any Federal-aid highway funds released by the payment of the final voucher or by the modification of the formal project agreement shall be credited to the same class of funds, primary, secondary, urban, or Interstate, previously apportioned to the State and be immediately available for expenditure.

## SOURCES IN PRIOR LAWS

formal agreements with the Secretary of Commerce for the improvement of specific projects under this section. Any amount apportioned to the States under the provisions of this section unexpended at the end of the period during which it is available for expenditure under the terms of subsection (b) of this section shall lapse.

*1956 Act, sec. 102 (b) part, and 1958 Act, sec. 1 (b), part*  
**AVAILABILITY FOR EXPENDITURE.**—Any sums apportioned to any State under this section shall be available for expenditure in that State for two years after the close of the fiscal year for which such sums are authorized, and any amounts so apportioned remaining unexpended at the end of such period shall lapse: *Provided*, That such funds shall be deemed to have been expended if a sum equal to the total of the sums herein and heretofore apportioned to the State is covered by formal agreements with the Secretary of Commerce for construction, reconstruction, or improvement of specific projects as provided in this title and prior Acts: \* \* \* Any Federal-aid primary, secondary, or urban funds released by the payment of the final voucher or by modification of the formal project agreement shall be credited to the same class of funds, primary, secondary, or urban, previously apportioned to the State and be immediately available for expenditure.

(c) The total payments to any State shall not at any time during a current fiscal year exceed the total of all apportionments to such State in accordance with section

*1956 Act, Sec. 108 (f) (g)*

(f) **AVAILABILITY FOR EXPENDITURE.**—Any sums apportioned to any State under the provisions of this section

104 of this title for such fiscal year and all preceding fiscal years.

shall be available for expenditure in that State for two years after the close of the fiscal year for which such sums are authorized: *Provided*, That such funds for any fiscal year shall be deemed to be expended if a sum equal to the total of the sums apportioned to the State specifically for the Interstate System for such fiscal year and previous fiscal years is covered by formal agreements with the Secretary of Commerce for the construction, reconstruction, or improvement of specific projects under this section.

(g) **LAPSE OF AMOUNTS APPORTIONED.**—Any amount apportioned to the States under the provisions of this section unexpended at the end of the period during which it is available for expenditure under the terms of subsection (f) of this section shall lapse, and shall immediately be reapportioned among the other States in accordance with the provisions of subsection (d) of this section: *Provided*, That any Interstate System funds released by the payment of the final voucher or by the modification of the formal project agreement shall be credited to the Interstate System funds previously apportioned to the State and be immediately available for expenditure.

*1936 Act, sec. 1(b), proviso, part*

\* \* \* but the total reimbursements to any State or Territory before the beginning of such fiscal year shall not exceed the total of all previous apportionments to such State or Territory.

*1956 Act, sec. 107(a) part*

The Territory of Alaska shall be entitled to share in funds herein or hereafter authorized for expenditure for projects on the Federal-aid primary and secondary high-

*Sec. 119. Administration of Federal-Aid for Highways in Alaska*

(a) The Secretary shall administer the functions, duties, and authority pertaining to the construction, repair



and maintenance of roads, tramways, ferries, bridges, trails, and other works in Alaska, conferred upon the Department of the Interior and, prior to September 16, 1956, administered by the Secretary of the Interior under the Act of June 30, 1932 (47 Stat. 446; 48 U. S. C., Sec. 321a and following).

way systems, and extensions thereof within urban areas, under the Federal-Aid Road Act approved July 11, 1916 (39 Stat. 355), and Acts amendatory thereof or supplementary thereto, upon the same terms and conditions as the several States and Hawaii and Puerto Rico.

*1956 Act, sec. 107(b)*

TRANSFER OF FUNCTIONS.—Effective not more than ninety days after the approval of this Act, the functions, duties, and authority pertaining to the construction, repair, and maintenance of roads, tramways, ferries, bridges, trails, and other works in Alaska, conferred upon the Department of the Interior and heretofore administered by the Secretary of the Interior under the Act of June 30, 1932 (47 Stat. 446; 48 U. S. C., sec. 321a and following), are hereby transferred to the Department of Commerce and thereafter shall be administered by the Secretary of Commerce, or under his direction, by such officer, or officers, as may be designated by him.

*1956 Act, sec. 107(e)*

DISTRIBUTION OF FUNCTIONS.—The Secretary of Commerce shall have power, by order or regulations, to distribute the functions, duties, and authority hereby transferred, and appropriations pertaining thereto, as he may deem proper to accomplish the economical and effective organization and administration thereof.

(b) The Secretary shall, by order or regulations, distribute the functions, duties, and authority required to be administered by him under subsection (a) of this section and appropriations pertaining thereto as he may deem proper to accomplish the economical and effective organization and administration thereof.

*Sec. 120. Federal Share Payable*

(a) Subject to the provisions of subsections (d) and (h) of this section, the Federal share payable on account of any project, financed with primary, secondary, or urban funds, on the Federal-aid primary system and the Federal-aid secondary system shall not exceed 50 per centum of the cost of construction, except that in the case of any State containing unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, exceeding 5 per centum of the total area of all lands therein, the Federal share shall be increased by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State, is of its total area.

*1944 Act, sec. 5 (a), to 2d proviso*

The Federal share payable on account of any project, provided for by the funds made available under the foregoing provisions of this Act shall not exceed 50 per centum of the construction cost thereof other than costs of rights-of-way, and as to costs of rights-of-way shall not exceed one-third of such costs: *Provided*, That in the case of any State containing unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, exceeding 5 per centum of the total area of all lands therein the Federal share shall be increased in each of the three post-war years by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State is of its total area.

*1950 Act, sec. 7*

That subsection (a) of section 5 of the Federal-Aid Highway Act of 1944, approved December 20, 1944 (58 Stat. 838), is hereby amended by increasing the Federal share payable on account of the costs of rights-of-way from "one-third" to not to exceed "one-half" of such costs.

*1954 Act, sec. 2 (a), last proviso*

That the Federal share payable on account of any project on the national system of interstate highways provided for by funds made available under the provisions of this section shall be increased to 60 per centum of the total cost thereof, plus a percentage of the remaining 40 per centum of such cost in any State containing unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, exceeding 5 per centum of

(b) Subject to the provisions of subsection (d) of this section, the Federal share payable on account of any project, financed with interstate funds on the Interstate System, authorized to be appropriated prior to June 29, 1956, shall not exceed 60 per centum of the cost of construction, except that in the case of any State containing unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, exceeding 5 per centum of the total area of all lands therein, the Federal share

shall be increased by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State, is of its total area. The provisions of subsection (a) of this section shall apply to any project financed with funds authorized by the provisions of section 2 of the Federal-Aid Highway Act of 1952.

(c) Subject to the provisions of subsection (d) of this section, the Federal share payable on account of any project on the Interstate System provided for by funds made available under the provisions of section 108 (b) of the Federal-Aid Highway Act of 1956 shall be increased to 90 per centum of the total cost thereof, plus a percentage of the remaining 10 per centum of such cost in any State containing unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, exceeding 5 per centum of the total area of all lands therein, equal to the percentage that the area of such lands in such State is of its total area, except that such Federal share payable on any project in any State shall not exceed 95 per centum of the total cost of such project.

(d) The Federal share payable on account of any project for the elimination of hazards of railway-highway crossings, as more fully described and subject to the conditions and limitations set forth in section 130 of this title, may amount to 100 per centum of the cost of construction of such projects, except that not more than 50 per centum of the right-of-way and property damage costs, paid from public funds, on any such project, may be paid from sums

the total area of all lands therein, equal to the percentage that the area of such lands in such State is of its total area.

*1956 Act, sec. 108 (e)*

**FEDERAL SHARE.**—The Federal share payable on account of any project on the Interstate System provided for by funds made available under the provisions of this section shall be increased to 90 per centum of the total cost thereof, plus a percentage of the remaining 10 per centum of such cost in any State containing unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, exceeding 5 per centum of the total area of all lands therein, equal to the percentage that the area of such lands in such State is of its total area: *Provided*, That such Federal share payable on any project in any State shall not exceed 95 per centum of the total cost of such project.

*1944 Act, sec. 5 (a), 2d proviso*

That the entire construction cost of projects for the elimination of hazards of railway-highway crossings, including the separation or protection of grades at crossings, the reconstruction of existing railroad grade crossing structures, and the relocation of highways to eliminate grade crossings, may be paid from Federal funds, except that not more than 50 per centum of the right-of-way and



apportioned in accordance with section 104 of this title. Not more than 10 per centum of all the sums apportioned for all the Federal-aid systems for any fiscal year in accordance with section 104 of this title shall be used under this subsection or under section 130 of this title.

(e) The Secretary may rely on a statement from the Secretary of the Interior as to the area of the lands referred to in subsections (a) and (b) of this section. The Secretary of the Interior is hereby authorized and directed to provide such statement annually.

(f) The Federal share payable on account of any repair or reconstruction provided for by funds made available under section 125 of this title shall not exceed 50 per centum of the cost thereof.

(g) The Secretary is authorized to cooperate with the State highway departments and with the Department of the Interior in the construction of Federal-aid highways within Indian reservations, and national parks and monuments under the jurisdiction of the Department of the Interior and to pay the amount assumed therefor from the funds apportioned in accordance with section 104 of

property damage costs, paid from public funds, or any such project, may be paid from Federal funds.

*1944 Act, sec. 5 (a), last proviso*

*Provided further*, That not more than 10 per centum of the sums apportioned to any State under the terms of this Act for each of such post-war fiscal years shall be used for such railway-highway projects, to be expended in accordance with the Federal Highway Act, as amended and supplemented, and the provisions of this section.

*1956 Act, sec. 118, last proviso*

*Provided further*, That the Federal share payable on account of any repair or reconstruction project provided for by funds made available under this section shall not exceed 50 per centum of the cost thereof: \* \* \*

*1950 Act, sec. 8*

Section 3a of the Federal Highway Act of November 9, 1921, as amended by the Act of February 20, 1931 (46 Stat. 1173), is hereby amended to read as follows:

SEC. 3a. That the Secretary of Commerce is authorized to cooperate with the State highway departments and with the Department of the Interior in the construction of

this title to the State wherein the reservations and national parks and monuments are located.

(h) The Territory of Alaska shall contribute funds each fiscal year in an amount that shall be not less than 10 per centum of the Federal funds apportioned to it for such fiscal year, such contribution to be deposited in a special account in the Federal Treasury for use in conjunction with the Federal funds apportioned to the Territory. The Federal funds apportioned to the Territory of Alaska and the funds contributed by the Territory may be expended by the Secretary either directly or in cooperation with the Alaska Highway and Public Works Board and may be so expended separately or in combination and without regard to the matching provisions of this chapter.

*Note:* The 10 percent limitation in the last sentence of section 120 (d) conforms to existing law and relates only to projects for the elimination of hazards of railway-highway crossings where Federal participation may exceed the regular Federal pro rata share. Such limitation is not applicable to Federal-aid projects involving elimination of such hazards where Federal participation is on the regular Federal pro rata share basis.

The statement required from the Department of the Interior under the language of section 120 (e) is in keeping with established practice under existing law.

public highways within Indian reservations and national parks and monuments under the jurisdiction of the Department of the Interior, and to pay the amount assumed therefor from the funds allotted or apportioned under this Act to the State wherein the reservations and national parks and monuments are located.

*1956 Act, sec. 107 (a), part*

*\* Provided,* That the Territory of Alaska shall contribute funds each fiscal year in an amount that shall be not less than 10 per centum of the Federal funds apportioned to it for such fiscal year, such contribution to be deposited in a special account in the Federal Treasury for use in conjunction with the Federal funds apportioned to the Territory. \* \* \* The Federal funds apportioned to the Territory of Alaska and the funds contributed by such Territory in accordance herewith may be expended by the Secretary of Commerce either directly or in cooperation with the Territorial Board of Road Commissioners of Alaska, and may be so expended separately or in combination and without regard to the matching provisions of the Federal Highway Act (42 Stat. 212).

Section 120 (g) of the bill changes the words "aid highways" for purposes of clarification.

*Sec. 121. Payment to States for construction*

(a) The Secretary may, in his discretion, from time to time as the work progresses, make payments to a State for costs of construction incurred by it on a project. These payments shall at no time exceed the Federal share of the costs of construction incurred to the date of the voucher covering such payment plus the Federal share of the value of the materials which have been stockpiled in the vicinity of such construction in conformity to plans and specifications for the project.

(b) After completion of a project in accordance with the plans and specifications, and approval of the final voucher by the Secretary, a State shall be entitled to payment out of the appropriate sums apportioned to it of the unpaid balance of the Federal share payable on account of such project.

(c) No payment shall be made under this chapter, except for a project located on a Federal-aid system and covered by a project agreement. No final payment shall

"public highways" in the existing law to "Federal-

*1921 Act, sec. 13, 2d paragraph*

That the Secretary of Agriculture may, in his discretion, from time to time, make payments on such construction or reconstruction as the work progresses, but these payments, including previous payments, if any, shall not be more than the United States pro rata part of the value of the labor and materials which have been actually put into such construction or reconstruction in conformity to said plans and specifications. The Secretary of Agriculture and the State highway department of each State may jointly determine at what time and in what amounts payments as work progresses shall be made under this act.

*1958 Act, sec. 10*

\* \* \* plus the United States pro rata part of the value of the materials which have been stockpiled in the vicinity of such construction or reconstruction in conformity to said plans and specifications.

*1921 Act, sec. 13, 1st paragraph*

That when the Secretary of Agriculture shall find that any project approved by him has been constructed or reconstructed in compliance with said plans and specifications, he shall cause to be paid to the proper authorities of said State the amount set aside for said project.

*1921 Act, sec. 6, 3d paragraph*

Upon this system all Federal-aid apportionments shall be expended.



be made to a State for its costs of construction of a project until the completion of the construction has been approved by the Secretary following inspections pursuant to section 114 (a) of this title.

(d) In making payments pursuant to this section, the Secretary shall be bound by the limitations with respect to the permissible amounts of such payments contained in sections 120 and 130 of this title. Payments for construction engineering on any one project shall not exceed 10 per centum of the Federal share of the cost of construction of such project after excluding from the cost of construction the costs of rights-of-way, preliminary engineering, and construction engineering.

(e) Such payments shall be made to such official or officials or depository as may be designated by the State highway department and authorized under the laws of the State to receive public funds of the State.

*Note:* Section 121 (d), last sentence, has been included for the reasons indicated by the comments with respect to section 106 (c) and to make the provisions of this section relative to payments for construction engineering consistent with those of section 106 (c) relating to cost estimates.

*1916 Act, sec. 6, 1st paragraph, last sentence*

No payment of any money apportioned under this act shall be made on any project until such statement of the project, and the plans, specifications, and estimates therefor, shall have been submitted to and approved by the Secretary of Agriculture.

*1921 Act, sec. 11, 1st paragraph, part*

\* \* \* items included for engineering, inspection, and unforeseen contingencies shall not exceed 10 per centum of the total estimated costs of its construction.

*1921 Act, sec. 13, last paragraph*

Such payments shall be made by the Secretary of the Treasury, on warrants drawn by the Secretary of Agriculture, to such official or officials or depository as may be designated by the State highway department and authorized under the laws of the State to receive public funds of the State.

*1950 Act, sec. 5*

Any State, county, city, or other political subdivision that shall issue bonds and use the proceeds of such bonds for the construction of toll-free facilities in order to accelerate the improvement of the National System of Interstate Highways, the Federal-aid primary highway system or the Federal-aid highway system in urban areas, may apply any portion of the funds herein, or hereafter, authorized for expenditure on said systems of highways and apportioned to such State under the provisions of section 1 to aid in retirement of annual maturities of the principal indebtedness of such bonds to the extent that the proceeds of such bonds are actually expended in the construction of said systems of highways: *Provided*, That payment of Federal funds on the principal indebtedness of such bonds shall be made only on account of any such facility that is constructed in accordance with plans and specifications approved in advance of construction by the Commissioner of Public Roads: *Provided further*, That payment of Federal funds pursuant to this section shall not exceed the pro rata basis authorized by section 1: *And provided further*, That payments to any State pursuant to this section shall be made exclusively from apportionments to such State from funds authorized by the Congress to be apportioned for expenditure on said systems of highways and this section shall not be construed as a commitment or obligation on the part of the United States to provide such funds.

*Sec. 122. Payment to States for Bond Retirement*

Any State that shall use the proceeds of bonds issued by the State, county, city, or other political subdivision of the State for the construction of one or more projects on the Federal-aid primary or Interstate System, or extensions of any of the Federal-aid highway systems in urban areas, may claim payment of any portion of the sums apportioned to it for expenditure on such system to aid in the retirement of the principal of such bonds at their maturities, to the extent that the proceeds of such bonds have been actually expended in the construction of one or more of such projects. Such claim for payment may be made only when all of the provisions of this title have been complied with to the same extent and with the same effect as though payment were to be made to the State under section 121 of this title, instead of this section, and the Federal share payable shall not exceed the pro rata basis of payment authorized in section 120 of this title. This section shall not be construed as a commitment or obligation on the part of the United States to provide funds for the payment of the principal of any such bonds.

*Sec. 123. Relocation of Utility Facilities*

(a) When a State shall pay for the cost of relocation of utility facilities necessitated by the construction of a project on the Federal-aid primary or secondary systems or on the Interstate System, including extensions thereof within urban areas, Federal funds may be used to reimburse the State for such cost in the same proportion as Federal funds are expended on the project. Federal funds shall not be used to reimburse the State under this section when the payment to the utility violates the law of the State or violates a legal contract between the utility and the State. Such reimbursement shall be made only after evidence satisfactory to the Secretary shall have been presented to him substantiating the fact that the State has paid such cost from its own funds with respect to Federal-aid highway projects for which Federal funds are obligated subsequent to April 16, 1958, for work, including relocation of utility facilities.

(b) The term "utility", for the purposes of this section, shall include publicly, privately, and cooperatively owned utilities.

*1956 Act, sec. 111*

(a) AVAILABILITY OF FEDERAL FUNDS FOR REIMBURSEMENT TO STATES.—Subject to the conditions contained in this section, whenever a State shall pay for the cost of relocation of utility facilities necessitated by the construction of a project on the Federal-aid primary or secondary systems or on the Interstate System, including extensions thereof within urban areas, Federal funds may be used to reimburse the State for such cost in the same proportion as Federal funds are expended on the project: *Provided*, That Federal funds shall not be apportioned to the States under this section when the payment to the utility violates the law of the State or violates a legal contract between the utility and the State.

*1958 Act, sec. 11 (a)*

*Provided further*, That such reimbursement shall be made only after evidence satisfactory to the Secretary shall have been presented to him substantiating the fact that the State has paid such cost from its own funds with respect to Federal-aid highway projects for which Federal funds are obligated subsequent to the date of enactment of the Federal-Aid Highway Act of 1958 for work, including relocation of utility facilities.

*1956 Act, sec. 111*

(b) UTILITY DEFINED.—For the purposes of this section, the term "utility" shall include publicly, privately, and cooperatively owned utilities.



*1956 Act, sec. 111*

(c) The term "cost of relocation" for the purposes of this section, shall include the entire amount paid by such utility properly attributable to such relocation after deducting therefrom any increase in the value of the new facility and any salvage value derived from the old facility.

(c) COST OF RELOCATION DEFINED.—For the purposes of this section, the term "cost of relocation" shall include the entire amount paid by such utility properly attributable to such relocation after deducting therefrom any increase in the value of the new facility and any salvage value derived from the old facility.

*1956 Act, sec. 110*

(b) ADVANCES TO STATES.—Section 6 of the Federal-Aid Highway Act of 1944 is hereby amended to read as follows:

"SEC. 6. If the Secretary of Commerce shall determine that it is necessary for the expeditious completion of projects on any of the Federal-aid highway systems, including the Interstate System, he may advance to any State out of any existing appropriations the Federal share of the cost of construction thereof to enable the State highway department to make prompt payments for acquisition of rights-of-way, and for construction as it progresses. The sums so advanced shall be deposited in a special revolving trust fund, by the State official authorized under the laws of the State to receive Federal-aid highway funds, to be disbursed solely upon vouchers approved by the State highway department for rights-of-way which have been or are being acquired, and for construction which has been actually performed and approved by the Secretary of Commerce. Upon determination by the Secretary of Commerce that any part of the funds advanced to any State under the provisions of this section are no longer required, the amount of the advance which is determined

*Sec. 124. Advances to States*

If the Secretary shall determine that it is necessary for the expeditious completion of projects on any of the Federal-aid systems, including the Interstate System, he may advance to any State out of any existing appropriations the Federal share of the cost of construction thereof to enable the State highway department to make prompt payments for acquisition of rights-of-way, and for the construction as it progresses. The sums so advanced shall be deposited in a special revolving trust fund, by the State official authorized under the laws of the State to receive Federal-aid highway funds, to be disbursed solely upon vouchers approved by the State highway department for rights-of-way which have been or are being acquired, and for construction which has been actually performed and approved by the Secretary pursuant to this chapter. Upon determination by the Secretary that any part of the funds advanced to any State under the provisions of this section are no longer required, the amount of the advance, which is determined to be in excess of current requirements of the State, shall be repaid upon his demand, and such repayments shall be returned to the credit of the appropriation from which the funds were advanced. Any

sum advanced and not repaid on demand shall be deducted from sums due the State for the Federal pro rata share of the cost of construction of Federal-aid projects.

*Sec. 125. Emergency Relief*

An emergency fund is authorized for expenditure by the Secretary in accordance with the provisions of this section. The Secretary may expend funds therefrom, after receipt of an application therefor from a State highway department, for the repair or reconstruction of highways and bridges on the Federal-aid highway systems, including the Interstate System, in accordance with the provisions of this chapter which he shall find have suffered serious damage as the result of disaster over a wide area, such as floods, hurricanes, tidal waves, earthquakes, severe storms, landslides, or other catastrophes in any part of the United States. The appropriation of such moneys, not to exceed \$30,000,000, as may be necessary for the initial establishment of this fund and for its replenishment on an annual basis is hereby authorized. Pending such appropriation or replenishment, the Secretary may expend from existing Federal-aid highway appropriations, such sums as may be necessary for the immediate prosecution of the work herein authorized, such existing appropriations to be reimbursed from the appropriation hereinabove authorized when made. No funds shall be expended under

to be in excess of current requirements of the State shall be repaid upon his demand, and such repayments shall be returned to the credit of the appropriation from which the funds were advanced. Any sums advanced and not repaid on demand shall be deducted from sums due the State for the Federal pro rata share of the cost of construction of Federal-aid projects."

*1956 Act, sec. 118*

Section 7 of the Federal-Aid Highway Act of 1952 (66 Stat. 158) is hereby amended to read as follows:

"SEC. 7. There is hereby authorized an emergency fund in the amount of \$30,000,000 for expenditure by the Secretary of Commerce, in accordance with the provisions of the Federal-Aid Road Act approved July 11, 1916, as amended and supplemented, after receipt of an application therefor from the highway department of any State, in the repair or reconstruction of highways and bridges on the Federal-aid highway systems, including the Interstate System, which he shall find have suffered serious damage as the result of disaster over a wide area, such as by floods, hurricanes, tidal waves, earthquakes, severe storms, landslides, or other catastrophes in any part of the United States. The appropriation of such moneys as may be necessary for the establishment of the fund in accordance with the provisions of this section and for its replenishment on an annual basis is hereby authorized: *Provided*, That pending the appropriation of such sum, or its replenishment, the Secretary of Commerce may expend, from existing Federal-aid highway appropriations, such sums as may be

the provisions of this section with respect to any such catastrophe in any State unless an emergency has been declared by the Governor of such State and concurred in by the Secretary.

#### *Sec. 126. Diversion*

(a) Since it is unfair and unjust to tax motor-vehicle transportation unless the proceeds of such taxation are applied to the construction, improvement, or maintenance of highways, after June 30, 1935, Federal aid for highway construction shall be extended only to those States that use at least the amounts provided by law on June 18, 1934 for such purposes in each State from State motor vehicle registration fees, licenses, gasoline taxes, and other special taxes on motor-vehicle owners and operators of all kinds for the construction, improvement, and maintenance of highways and administrative expenses in connection therewith, including the retirement of bonds for the payment of which such revenues have been pledged, and for no other purposes, under such regulations as the Secretary of Commerce shall promulgate from time to time.

(b) In no case shall the provisions of this section operate to deprive any State of more than one-third of the entire apportionment authorized under this chapter to which that State would be entitled in any fiscal year. The amount of any reduction in a State's apportionment shall be reapportioned in the same manner as any other unex-

necessary for the immediate prosecution of the work herein authorized, such appropriations to be reimbursed from the appropriation herein authorized when made: *Provided further*, That no expenditures shall be made hereunder with respect to any such catastrophe in any State unless an emergency has been declared by the Governor of such State and concurred in by the Secretary of Commerce: \* \* \*

#### *1934 Act, sec. 12, to proviso*

Since it is unfair and unjust to tax motor-vehicle transportation unless the proceeds of such taxation are applied to the construction, improvement, or maintenance of highways, after June 30, 1935, Federal aid for highway construction shall be extended only to those States that use at least the amounts now provided by law for such purposes in each State from State motor vehicle registration fees, licenses, gasoline taxes, and other special taxes on motor-vehicle owners and operators of all kinds for the construction, improvement, and maintenance of highways and administrative expenses in connection therewith, including the retirement of bonds for the payment of which such revenues have been pledged, and for no other purposes, under such regulations as the Secretary of Agriculture shall promulgate from time to time.

#### *1934 Act, sec. 12, proviso*

That in no case shall the provisions of this section operate to deprive any State of more than one-third of the amount to which that State would be entitled under any apportionment hereafter made, for the fiscal year for which the apportionment is made.



pending balance at the end of the period during which it otherwise would be available in accordance with section 104 (b) of this title.

*Sec. 127. Vehicle Weight and Width Limitations—Interstate System*

No funds authorized to be appropriated for any fiscal year under section 108 (b) of the Federal-Aid Highway Act of 1956 shall be apportioned to any State within the boundaries of which the Interstate System may lawfully be used by vehicles with weight in excess of eighteen thousand pounds carried on any one axle, or with a tandem-axle weight in excess of thirty-two thousand pounds, or with an overall gross weight in excess of 73,280 pounds, or with a width in excess of 96 inches, or the corresponding maximum weights or maximum widths permitted for vehicles using the public highways of such State under laws or regulations established by appropriate State authority in effect on July 1, 1956, whichever is the greater. Any amount which is withheld from apportionment to any State pursuant to the foregoing provisions shall lapse.

*1940 Act, sec. 16*

Any sums heretofore or hereafter withheld from the Federal-aid road funds apportioned to any State as a penalty for diversion of road-user taxes under the provisions of section 12 of the Act approved June 18, 1934 (48 Stat. 995), shall be reapportioned in the same manner as any other unexpended balance at the end of the period during which it otherwise would be available for expenditure, in accordance with the provisions of section 21 of the Federal Highway Act (42 Stat. 217).

*1956 Act, sec. 108 (j)*

**MAXIMUM WEIGHT AND WIDTH LIMITATIONS.**—No funds authorized to be appropriated for any fiscal year by this section shall be apportioned to any State within the boundaries of which the Interstate System may lawfully be used by vehicles with weight in excess of eighteen thousand pounds carried on any one axle, or with a tandem-axle weight in excess of thirty-two thousand pounds, or with an overall gross weight in excess of 73,280 pounds, or with a width in excess of 96 inches, or the corresponding maximum weights or maximum widths permitted for vehicles using the public highways of such State under laws or regulations established by appropriate State authority in effect on July 1, 1956, whichever is the greater. Any amount which is withheld from apportionment to any State pursuant to the foregoing provisions shall lapse: *Provided, however,* That nothing herein shall be construed

This section shall not be construed to deny apportionment to any State allowing the operation within such State of any vehicles or combinations thereof that could be lawfully operated within such State on July 1, 1956.

*Sec. 128. Public hearings*

(a) Any State highway department which submits plans for a Federal-aid highway project involving the bypassing of, or going through, any city, town, or village, either incorporated or unincorporated, shall certify to the Secretary that it has had public hearings, or has afforded the opportunity for such public hearings, and has considered the economic effects of such a location. Any State highway department which submits plans for an Interstate System project shall certify to the Secretary that it has had public hearings at a convenient location, or has afforded the opportunity for such hearings, for the purpose of enabling persons in rural areas through or contiguous to whose property the highway will pass to express any objections they may have to the proposed location of such highway.

(b) When hearings have been held under subsection (a), the State highway department shall submit a copy of the transcript of said hearings to the Secretary, together with the certification.

*Sec. 129. Toll Roads, Bridges and Tunnels*

(a) Notwithstanding the provisions of section 301 of this title, the Secretary may permit Federal participation, on the same basis and in the same manner as in the con-

to deny apportionment to any State allowing the operation within such State of any vehicles or combinations thereof that could be lawfully operated within such State on July 1, 1956.

*1956 Act, sec. 116 (c)*

(c) PUBLIC HEARINGS.—Any State highway department which submits plans for a Federal-aid highway project involving the bypassing of, or going through, any city, town, or village, either incorporated or unincorporated, shall certify to the Commissioner of Public Roads that it has had public hearings, or has afforded the opportunity for such hearings, and has considered the economic effects of such a location: *Provided*, That, if such hearings have been held, a copy of the transcript of said hearings shall be submitted to the Commissioner of Public Roads, together with the certification.

*1958 Act, sec. 13*

\* \* \* and any State highway department which submits plans for an Interstate System project shall certify to the Secretary of Commerce that it has had public hearing at a convenient location, or has afforded the opportunity for such hearings, for the purpose of enabling persons in rural areas through or contiguous to whose property the highway will pass to express any objections they may have to the proposed location of such highway.

*Act of March 3, 1927 (44 Stat. 1398)*

That notwithstanding any provision of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for

struction of free highways under this chapter, in the construction of any toll bridge, toll tunnel, or approach thereto, upon compliance with the conditions contained in this section. Such bridge, tunnel, or approach thereto, must be publicly owned and operated. Federal funds may participate in the approaches to a toll bridge or toll tunnel whether such bridge or tunnel is to be or has been constructed, or acquired, by the State or other public authority. The State highway department or departments must be a party or parties to an agreement with the Secretary whereby it or they undertake performance of the following obligations:

(1) All tolls received from the operation of the bridge or tunnel, less the actual cost of such operation and maintenance, shall be applied to the repayment to the State or other public authority of all of the costs of construction or acquisition of such bridge or tunnel, except that part which was contributed by the United States;

(2) No tolls shall be charged for the use of such bridge or tunnel after the State or other public authority shall have been so repaid; and

(3) After the date of final repayment, the bridge or tunnel shall be maintained and operated as a free bridge or free tunnel.

other purposes," approved July 11, 1916, or of the Federal Highway Act, the Secretary of Agriculture may extend, on the same basis and in the same manner as in the construction of any free bridge, Federal aid under such acts, in the construction of any toll bridge and approaches thereto, by any State or States, or political subdivision or subdivisions thereof, upon the condition that such bridge is owned and operated by such State or States, or political subdivision or subdivisions thereof, and that all tolls received from the operation thereof, less the actual cost of operation and maintenance, are applied to the repayment to the State or States, or political subdivision or subdivisions thereof, of its or their part of the cost of construction of such bridge, and upon the further condition that when the amount contributed by such State or States, or political subdivision or subdivisions thereof, in the construction of such bridge shall have been repaid from the tolls, the collection of tolls for the use of such bridge shall thereafter cease, and the same shall be maintained and operated as a free bridge.

*Act of June 16, 1933, sec. 204 (g) (48 Stat. 200)*

Hereafter in the administration of the Federal Highway Act, and acts amendatory thereof or supplementary thereto, the first paragraph of section 9 of said act shall not apply to publicly owned toll bridges or approaches thereto, operated by the highway department of any State, subject, however, to the condition that all tolls received from the operation of any such bridge, less the actual cost of operation and maintenance, shall be applied to the re-



payment of the cost of its construction or acquisition, and when the cost of its construction or acquisition shall have been repaid in full, such bridge thereafter shall be maintained and operated as a free bridge.

*1956 Act, sec. 113*

(b) Upon a finding by the Secretary that such action will promote the development of an integrated Interstate System, the Secretary is authorized to approve as part of the Interstate System any toll road, bridge or tunnel, now or hereafter constructed which meets the standards adopted for the improvement of projects located on the Interstate System, when such toll road, bridge or tunnel is located on a route heretofore or hereafter designated as a part of the Interstate System. No Federal-aid highway funds shall be expended for the construction, reconstruction or improvement of any such toll road, except to the extent permitted by law after June 29, 1956. No Federal-aid highway funds shall be expended for the construction, reconstruction or improvement of any such toll bridge or tunnel, except to the extent permitted by law on or after June 29, 1956.

(c) Funds authorized under prior Acts for expenditure on any of the Federal-aid highway systems, including the Interstate System, shall be available for expenditure on projects approaching any toll road, bridge or tunnel to a point where such project will have some use irrespective of its use for such toll road, bridge or tunnel.

(d) Funds authorized for the Interstate System shall be available for expenditure on Interstate System projects

(a) APPROVAL AS PART OF INTERSTATE SYSTEM.—Upon a finding by Secretary of Commerce that such action will promote the development of an integrated Interstate System, the Secretary is authorized to approve as part of the Interstate System any toll road, bridge, or tunnel, now or hereafter constructed which meets the standards adopted for the improvement of projects located on the Interstate System, whenever such toll road, bridge, or tunnel is located on a route heretofore or hereafter designated as a part of the Interstate System: *Provided*, That no Federal-aid highway funds shall be expended for the construction, reconstruction, or improvement of any such toll road except to the extent hereafter permitted by law: *Provided further*, That no Federal-aid highway funds shall be expended for the construction, reconstruction, or improvement of any such toll bridge or tunnel except to the extent now or hereafter permitted by law.

(b) APPROACHES HAVING OTHER USE.—The funds authorized under this title, or under prior Acts, shall be available for expenditure on projects approaching any toll road, bridge, or tunnel to a point where such project will have some use irrespective of its use for such toll road, bridge, or tunnel.

(c) APPROACHES HAVING NO OTHER USE.—The funds authorized under section 108 (b) of this title, or under

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approaching any toll road on the Interstate System, although the project has no use other than an approach to such toll road, if an agreement satisfactory to the Secretary has been reached with the State prior to the approval of such project—

(1) that the section of toll road will become free to the public upon the collection of tolls sufficient to liquidate the cost of the toll road or any bonds outstanding at the time constituting a valid lien against such section of toll road covered in the agreement and their maintenance and operation and debt service during the period of toll collections, and

(2) that there is one or more reasonably satisfactory alternate free routes available to traffic by which the toll section of the system may be bypassed.

prior Acts, shall be available for expenditure on Interstate System projects approaching any toll road on the Interstate System, even though the project has no use other than as an approach to such toll road: *Provided*, That agreement satisfactory to the Secretary of Commerce has been reached with the State prior to approval of any such project (1) that the section of toll road will become free to the public upon the collection of tolls sufficient to liquidate the cost of the toll road or any bonds outstanding at the time constituting a valid lien against said section of toll road covered in the agreement and their maintenance and operation and debt service during the period of toll collections, and (2) that there is one or more reasonably satisfactory alternate free routes available to traffic by which the toll section of the System may be bypassed.

(d) EFFECT ON CERTAIN PRIOR ACTS.—Nothing in this title shall be deemed to repeal the Act approved March 3, 1927 (44 Stat. 1398), or subsection (g) of section 204 of the National Industrial Recovery Act (48 Stat. 200), and such Acts are hereby amended to include tunnels as well as bridges.

*Note:* Section 129 (a) of the proposed bill is a consolidation of the provisions of the act of March 3, 1927 (44 Stat. 1398), and section 204 (g) of the National Recovery Act (48 Stat. 200). The last sentence of the first paragraph in section 129 (a) requiring that the State highway department be a party to the agreement is in line with established Bureau procedure under existing law.

*Sec. 130. Railway-Highway Crossings*

(a) Except as provided in subsection (d) of section 120 of this title and subsection (b) of this section, the entire cost of construction of projects for the elimination of hazards of railway-highway crossings, including the separation or protection of grades at crossings, the reconstruction of existing railroad grade crossings structures, and relocation of highways to eliminate grade crossings, may be paid from sums apportioned in accordance with section 104 of this title. In any case when the elimination of the hazards of a railway-highway crossing can be effected by the relocation of a portion of a railway at a cost estimated by the Secretary to be less than the cost of such elimination by one of the methods mentioned in the first sentence of this section, then the entire cost of such relocation project, except as provided in subsection (d) of section 120 of this title and subsection (b) of this section, may be paid from sums apportioned in accordance with section 104 of this title.

(b) The Secretary may classify the various types of projects involved in the elimination of hazards of railway-highway crossings, and may set for each such classification a percentage of the costs of construction which shall be deemed to represent the net benefit to the railroad for the purpose of determining the railroad's share of the cost of construction. The percentage so determined shall in no case exceed 10 percent. The Secretary shall determine the appropriate classification of each project.

*1944 Act, sec. 5 (a), 2d proviso*

*Provided further.* That the entire construction cost of projects for the elimination of hazards of railway-highway crossings, including the separation or protection of grades at crossings, the reconstruction of existing railroad grade crossing structures, and the relocation of highways to eliminate grade crossings, may be paid from Federal funds, except that not more than 50 per centum of the right-of-way and property damage costs, paid from public funds, on any such project, may be paid from Federal funds.

*1944 Act, sec. 5 (b), part*

Any railway involved in any project for the elimination of hazards of railway-highway crossings paid for in whole or in part from funds made available under this Act, shall be liable to the United States for a sum bearing the same ratio to the net benefit received by such railway from such project that the Federal funds expended on such project bear to the total cost of such project. For the purposes of this subsection, the net benefit received by a railway from any such project shall be deemed to be the amount by which the reasonable value of the total benefits received by it from such project exceeds the amount paid by it (includ-



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ing the reasonable value of any property rights contributed by it) toward the cost of such project; and in no case shall the total benefits to any railway or railways be deemed to have a reasonable value in excess of 10 per centum of the cost of any such project.

*1944 Act, sec. 5 (b), part*

The liability of any railway to the United States with respect to any such project may be discharged by paying to the United States, within six months after the completion of such project, such amount as the Commissioner of Public Roads determines to be the amount of such liability. Any such determination of the Commissioner shall be made on the basis of recommendations made to him by the State highway department and on the basis of such other information and investigation, if any, as the Commissioner deems necessary or proper. If any such railway has failed so to discharge its liability to the United States with respect to any project within six months after the completion thereof, the Commissioner of Public Roads shall request the Attorney General to institute proceedings against such railroad for the recovery of the amount for which it is liable under this subsection. The Attorney General is authorized to bring such proceedings on behalf of the United States in the appropriate district court of the United States, and the United States shall be entitled in such proceedings to recover such sums as it is considered and adjudged by the court that such railway is liable for in the premises. Any amounts paid to or recovered by the United States under this subsection

(c) Any railroad involved in a project for the elimination of hazards of railway-highway crossings paid for in whole or in part from sums made available for expenditure under this title, or prior Acts, shall be liable to the United States for the net benefit to the railroad determined under the classification of such project made pursuant to subsection (b) of this section. Such liability to the United States may be discharged by direct payment to the State highway department of the State in which the project is located, in which case such payment shall be credited to the cost of the project. Such payment may consist in whole or in part of materials and labor furnished by the railroad in connection with the construction of such project. If any such railroad fails to discharge such liability within a six-month period after completion of the project it shall be liable to the United States for its share of the cost, and the Secretary shall request the Attorney General to institute proceedings against such railroad for the recovery of the amount for which it is liable under this subsection. The Attorney General is authorized to bring such proceedings on behalf of the United States, in the appropriate district court of the United States, and the United States shall be entitled in such proceedings to recover such sums as it is considered

and adjudged by the court that such railroad is liable for in the premises. Any amounts recovered by the United States under this subsection shall be credited to miscellaneous receipts.

*Note:* This section contains certain language modifications in order to bring it in line with current procedures under existing law. The last sentence of section 130 (a) permits Federal funds to participate in railway relocations where such relocations may be carried out more economically than could the elimination of the hazard by some other method. Subsection (b) describes present Bureau procedures, which are believed to be a practical method of administration. Under these procedures, the various types of projects for the elimination of railway-highway crossings are classified and the percentage of net benefit to the railroad is determined by the class into which the project falls. Section 130 (c) contains a provision which permits a discharge of the railroad's liability by direct payment to the State highway department. The wording of section 130 conforms to procedures which have been followed for many years and effects no change in existing law.

#### *Sec. 131. Areas Adjacent to the Interstate System*

(a) To promote the safety, convenience, and enjoyment of public travel and the free flow of interstate commerce and to protect the public investment in the National System of Interstate and Defense Highways, it is declared to be in the public interest to encourage and assist the States to control the use of and to improve areas adjacent to the Interstate System by controlling the erection and maintenance of outdoor advertising signs, displays, and devices adjacent to that system. It is declared to be a national policy that the erection and maintenance of outdoor advertising signs, displays, or devices within 660 feet of the edge of the right-of-way and visible from the main-traveled way of all portions of the Interstate System constructed upon any part of right-of-way, the entire width of which is acquired subsequent to July 1, 1956,

shall be covered into the Treasury as miscellaneous receipt.

Areas adjacent to the Interstate System.

(a) NATIONAL POLICY.—To promote the safety, convenience, and enjoyment of public travel and the free flow of interstate commerce and to protect the public investment in the National System of Interstate and Defense Highways, it is hereby declared to be in the public interest to encourage and assist the States to control the use of and to improve areas adjacent to the Interstate System by controlling the erection and maintenance of outdoor advertising signs, displays, and devices adjacent to that system. It is hereby declared to be a national policy that the erection and maintenance of outdoor advertising signs, displays, or devices within 660 feet of the edge of the right-of-way and visible from the main-traveled way of all portions of the Interstate System constructed upon any part

should be regulated, consistent with national standards to be prepared and promulgated by the Secretary, which shall include only the following four types of signs, and no signs advertising illegal activities:

(1) Directional or other official signs or notices that are required or authorized by law.

(2) Signs advertising the sale or lease of the property upon which they are located.

(3) Signs erected or maintained pursuant to authorization or permitted under State law, and not inconsistent with the national policy and standards of this section, advertising activities being conducted at a location within twelve miles of the point at which such signs are located.

(4) Signs erected or maintained pursuant to authorization in State law and not inconsistent with the national policy and standards of this section, and designed to give information in the specific interest of the traveling public.

(b) The Secretary of Commerce is authorized to enter into agreements with State highway departments (including such supplementary agreements as may be necessary) to carry out the national policy set forth in subsection (a) of this section with respect to the Interstate System within the State. Any such agreement shall include provisions for regulation and control of the erection and maintenance of advertising signs, displays, and other advertising devices in conformity with the standards established in accordance with subsection (a) of this section and may include, among other things, provisions

of right-of-way, the entire width of which is acquired subsequent to July 1, 1956, should be regulated, consistent with national standards to be prepared and promulgated by the Secretary, which shall include only the following four types of signs, and no signs advertising illegal activities:

(1) Directional or other official signs or notices that are required or authorized by law.

(2) Signs advertising the sale or lease of the property upon which they are located.

(3) Signs erected or maintained pursuant to authorization or permitted under State law, and not inconsistent with the national policy and standards of this section, advertising activities being conducted at a location within 12 miles of the point at which such signs are located.

(4) Signs erected or maintained pursuant to authorization in State law and not inconsistent with the national policy and standards of this section, and designed to give information in the specific interest of the traveling public.

(b) AGREEMENTS.—The Secretary of Commerce is authorized to enter into agreements with State highway departments (including such supplementary agreements as may be necessary) to carry out the national policy set forth in subsection (a) of this section with respect to the Interstate System within the State. Any such agreement shall include provisions for regulation and control of the erection and maintenance of advertising signs, displays, and other advertising devices in conformity with the standards established in accordance with subsection (a) and may include, among other things, provisions for pres-



for preservation of natural beauty, prevention of erosion, landscaping, reforestation, development of viewpoints for scenic attractions that are accessible to the public without charge, and the erection of markers, signs, or plaques, and development of areas in appreciation of sites of historical significance. Upon application of the State, any such agreement may, within the discretion of the Secretary of Commerce, consistent with the national policy, provide for excluding from application of the national standards segments of the Interstate System wherein the use of real property adjacent to the Interstate System is subject to municipal regulation or control, or which traverse other areas where the land use is clearly established by State law as industrial or commercial, and any such segment excluded from the application of such standards shall not be considered in computing the increase of the Federal share payable on account thereof.

(c) Notwithstanding the provisions of section 109 of this title, if an agreement pursuant to this section has been entered into with any State prior to July 1, 1961, the Federal share payable on account of any project on the Interstate System within that State provided for by funds authorized under the provisions of section 108 (b) of the Federal-Aid Highway Act of 1956, as amended by section 8 of the Federal-Aid Highway Act of 1958, to which the national policy and the agreement apply, shall be increased by one-half of one per centum of the total cost thereof, not including any additional cost that may be incurred in the carrying out of the agreement. The increase in the Federal share which is payable here-

ervation of natural beauty, prevention of erosion, landscaping, reforestation, development of viewpoints for scenic attractions that are accessible to the public without charge, and the erection of markers, signs, or plaques, and development of areas in appreciation of sites of historical significance. Upon application of the State, any such agreement may, within the discretion of the Secretary of Commerce, consistent with the national policy, provide for excluding from application of the national standards segments of the Interstate System which traverse incorporated municipalities wherein the use of real property adjacent to the Interstate System is subject to municipal regulation or control, or which traverse other areas where the land use is clearly established by State law as industrial or commercial: *Provided, however*, That any such segment excluded from the application of such standards shall not be considered in computing the increase of the Federal share payable on account thereof.

(c) FEDERAL SHARE.—Notwithstanding the provisions of section 2 of the Federal-Aid Highway Act of 1944 (58 Stat. 838), if an agreement pursuant to this section has been entered into with any State prior to July 1, 1961, the Federal share payable on account of any project on the Interstate System within that State provided for by funds authorized under the provisions of section 108 of this Act, to which the national policy and the agreement apply, shall be increased by one-half of one per centum of the total cost thereof, not including any additional cost that may be incurred in the carrying out of the agreement: *Provided*, That the increase in the Federal share which is payable hereunder shall be paid only from

under shall be paid only from appropriations from moneys in the Treasury not otherwise appropriated, which such appropriations are hereby authorized.

(d) Whenever any portion of the Interstate System is located upon or adjacent to any public lands or reservations of the United States, the Secretary of Commerce may make such arrangements and enter into such agreements with the agency having jurisdiction over such lands or reservations as may be necessary to carry out the national policy set forth in subsection (a) of this section, and any such agency is authorized and directed to cooperate fully with the Secretary of Commerce in this connection.

(e) Whenever a State shall acquire by purchase or condemnation the right to advertise or regulate advertising in an area adjacent to the right-of-way of a project on the Interstate System for the purpose of implementing this section, the cost of such acquisition shall be considered as a part of the cost of construction of such project and Federal funds may be used to pay the Federal pro rata share of such cost. Reimbursement to the State shall be made only with respect to that portion of such cost which does not exceed 5 per centum of the cost of the right-of-way for such project.

appropriations from moneys in the Treasury not otherwise appropriated, which such appropriations are hereby authorized.

(d) Whenever any portion of the Interstate System is located upon or adjacent to any public lands or reservations of the United States, the Secretary of Commerce may make such arrangements and enter into such agreements with the agency having jurisdiction over such lands or reservations as may be necessary to carry out the national policy set forth in subsection (a) of this section, and any such agency is hereby authorized and directed to cooperate fully with the Secretary of Commerce in this connection.

(e) Whenever a State shall acquire by purchase or condemnation the right to advertise or regulate advertising in an area adjacent to the right-of-way of a project on the Interstate System for the purpose of implementing this section, the cost of such acquisition shall be considered as a part of the cost of construction of such project and Federal funds may be used to pay the Federal pro rata share of such cost: *Provided, That* reimbursement to the State shall be made only with respect to that portion of such cost which does not exceed 5 per centum of the cost of the right-of-way for such project.

## CHAPTER 2—OTHER HIGHWAYS

- Sec.  
 201. Authorizations.  
 202. Apportionment or allocation.  
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 204. Forest highways.  
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 210. Defense access roads.  
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*Sec. 201. Authorizations*

The provisions of this title shall apply to all unappropriated authorizations contained in prior acts, and also to all unexpended appropriations heretofore made, providing for the expenditure of Federal funds on the following classes of highways: forest highways; forest development roads and trails; park roads and trails; parkways; Indian reservation roads; public lands roads; and defense access roads. All such authorizations and appropriations shall continue in full force and effect, but hereafter obligations entered into and expenditures made pursuant thereto shall be subject to the provisions of this title.

*Sec. 202. Apportionment or Allocation*

(a) On or before the January 1 next preceding the commencement of each fiscal year, the Secretary shall apportion the sums authorized to be appropriated for

Prior authorization acts would not be repealed under the bill.

*1950 Act, sec. 3, 1st proviso*

\* \* \* appropriation \* \* \* shall be apportioned by the Secretary of Commerce for expenditure in the several States, Alaska, and Puerto Rico, according to the area and



such fiscal year for forest highways in the several States according to the area and value of the land owned by the United States within the national forests therein which the Secretary of Agriculture is directed to determine and certify to the Secretary from such information, sources, and departments as the Secretary of Agriculture may deem most accurate.

(b) Sums authorized to be appropriated for forest development roads and trails shall be allocated by the Secretary of Agriculture according to the relative needs of the various national forests, taking into consideration the existing transportation facilities, value of timber, or other resources served, relative fire danger, and comparative difficulties of road and trail construction.

(c) Sums authorized to be appropriated for public lands highways shall be allocated by the Secretary among

value of the land owned by the Government within the national forests therein which the Secretary of Agriculture is hereby directed to determine and certify to him from such information, sources, and departments as the Secretary of Agriculture may deem most accurate, and hereafter, on or before January 1, next preceding the commencement of each succeeding fiscal year the Secretary of Commerce shall make like apportionment of the appropriation authorized for such fiscal year.

*1921 Act, sec. 23(a), 1st paragraph, part*

\* \* \* shall be apportioned among the several States, Alaska, and Puerto Rico by the Secretary of Agriculture, according to the relative needs of the various national forests, taking into consideration the existing transportation facilities, value of timber, or other resources served, relative fire danger, and comparative difficulties of road and trail construction.

*1956 Act, sec. 103(b)*

REPEAL OF CERTAIN APPORTIONMENT PROCEDURES.—The provisions of section 23 of the Federal Highway Act of 1921, as amended and supplemented, requiring apportionment of funds authorized for forest development roads and trails among the several States, Alaska, and Puerto Rico is hereby repealed.

*Act of June 24, 1930 (46 Stat. 805), part*

\* \* \* main roads through unappropriated or unserved public lands, nontaxable Indian lands, or other

those States having more than 5 per centum of their area in unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations, on the basis of need in such States, respectively, as determined by the Secretary upon application of the State highway departments of the respective States. Preference shall be given to those projects which are located on a Federal-aid system.

Federal reservations other than the forest reservations. Such sums as the Congress may hereafter authorize to be appropriated under the provisions of this section shall be apportioned among those states having more than 5 per centum of their area in the lands hereinbefore described \* \* \* and no contribution from the states shall be required in the expenditure thereof. *Provided*, That in the allocation of any such funds authorized to be appropriated under this section or any subsequent act preference shall be given to those projects which are located on the Federal-aid highway system as the same are now or may hereafter be designated.

*1950 Act, sec. 10, part*

\* \* \* main roads through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations \* \* \* *Provided*, That such funds shall be available for expenditure in the lands hereinbefore described on the basis of need in such States, respectively, as determined by the Commissioner of Public Roads upon application of the highway departments of the respective States and without regard to any law for the apportionment of such funds among said States.

*1956 Act, sec. 106*

Any funds authorized herein for forest highways, forest development roads and trails, park roads and trails, parkways, Indian roads, and public lands highways shall be available for contract upon apportionment, or a date not earlier than one year preceding the beginning of the fiscal year for which authorized if no apportionment is required: *Provided*, That any amount remaining unex-

*Sec. 203. Availability of Funds*

Funds now authorized for forest highways, forest development roads and trails, park roads and trails, parkways, Indian reservation roads, and public lands highways shall be available for contract upon apportionment, or a date not earlier than one year preceding the beginning of the fiscal year for which authorized if no apportionment is required. Any amount remaining unexpended for

a period of two years after the close of the fiscal year for which authorized shall lapse. The Secretary of the Department charged with the administration of such funds is hereby granted authority to incur obligations, approve projects, and enter into contracts under such authorizations, and his action in doing so shall be deemed a contractual obligation of the United States for the payment of the cost thereof and such funds shall be deemed to have been expended when so obligated. Any funds heretofore or hereafter authorized for any fiscal year for forest highways, forest development roads and trails, park roads and trails, parkways, Indian roads, and public lands highways shall be deemed to have been expended if a sum equal to the total of the sums authorized for such fiscal year and including the fiscal year ending June 30, 1955, shall have been obligated. Any of such funds released by payment of final voucher or modification of project authorizations shall be credited to the balance of unobligated authorizations and be immediately available for expenditure.

pended two years after the close of the fiscal year for which authorized shall lapse. The Secretary of the Department charged with the administration of such funds is hereby granted authority to incur obligations, approve projects, and enter into contracts under such authorizations, and his action in doing so shall be deemed a contractual obligation of the Federal Government for the payment of the cost thereof, and such funds shall be deemed to have been expended when so obligated. Any funds heretofore, herein, or hereafter authorized for any fiscal year for forest highways, forest development roads and trails, park roads and trails, parkways, Indian roads, and public lands highways shall be deemed to have been expended if a sum equal to the total of the sums authorized for such fiscal year and previous fiscal years since and including the fiscal year ending June 30, 1955, shall have been obligated. Any of such funds released by payment of final voucher or modification of project authorizations shall be credited to the balance of unobligated authorizations and be immediately available for expenditure.

*1958 Act, sec. 6*

Any funds authorized herein for forest highways, forest development roads and trails, park roads and trails, parkways, Indian roads, and public lands highways shall be available for contract upon apportionment, or a date not earlier than one year preceding the beginning of the fiscal year for which authorized if no apportionment is required: *Provided*, That any amount remaining unexpended two years after the close of the fiscal year for



which authorized shall lapse. The Secretary of the department charged with the administration of such funds is hereby granted authority to incur obligations, approve projects, and enter into contracts under such authorizations, and his action in doing so shall be deemed a contractual obligation of the Federal Government for the payment of the cost thereof, and such funds shall be deemed to have been expended when so obligated. Any funds heretofore, herein, or hereafter authorized for any fiscal year for forest highways, forest development roads and trails, park roads and trails, parkways, Indian roads, and public lands highways shall be deemed to have been expended if a sum equal to the total of the sums authorized for such fiscal year and previous fiscal years since and including the fiscal year ending June 30, 1955, shall have been obligated. Any of such funds released by payment of final voucher or modification of project authorization shall be credited to the balance of unobligated authorizations and be immediately available for expenditure.

*1921 Act, sec. 23 (a), 2d paragraph, part*

\* \* \* such appropriations shall be expended by the Secretary of Agriculture in the survey, construction, reconstruction, and maintenance of forest roads. \* \* \*

*1921 Act, sec. 23 (c)*

The Secretary of Agriculture may enter into contracts with any Territory, State, or civil subdivision thereof for the construction, reconstruction, or maintenance of any forest road or trail or part thereof.

*Sec. 204. Forest Highways*

(a) Funds available for forest highways shall be used by the Secretary to pay for the cost of construction and maintenance thereof. In connection therewith, the Secretary may enter into construction contracts and such other contracts with a State or civil subdivision thereof as he deems advisable.

(b) Cooperation of States, counties, or other local subdivisions, may be accepted but shall not be required by the Secretary.

(c) Construction estimated to cost \$5,000 or more per mile, exclusive of bridges, shall be advertised and let to contract. If such estimated cost is less than \$5,000 per mile or if, after proper advertising, no acceptable bid is received or the bids are deemed excessive, the work may be done by the Secretary on his own account. For such purpose, the Secretary may purchase, lease, hire, rent, or otherwise obtain all necessary supplies, materials, tools, equipment, and facilities required to perform the work, and may pay wages, salaries and other expenses for help employed in connection with such work.

(d) All appropriations for forest highways shall be administered in conformity with regulations jointly approved by the Secretary and the Secretary of Agriculture.

*1921 Act, sec. 23(b)*

Cooperation of Territories, States, and civil subdivisions thereof may be accepted but shall not be required by the Secretary of Agriculture.

*1921 Act, sec. 23(d)*

Construction work on forest roads or trails estimated to cost \$5,000 or more per mile, exclusive of bridges, shall be advertised and let to contract.

If such estimated cost is less than \$5,000 per mile, or if, after proper advertising, no acceptable bid is received, or the bids are deemed excessive, the work may be done by the Secretary of Agriculture on his own account; and for such purpose the Secretary of Agriculture may purchase, lease, hire, rent, or otherwise obtain all necessary supplies, materials, tools, equipment, and facilities required to perform the work.

The appropriation made in this section or that may hereafter be made for expenditure under the provision of this section may be expended for the purpose herein authorized and for the payment of wages, salaries, and other expenses for the help employed in connection with such work.

*1950 Act, sec. 3, last proviso*

And *provided further*, That appropriations for forest highways shall be administered in conformity with regulations jointly approved by the Secretary of Commerce and Secretary of Agriculture.

(e) The Secretary shall transfer to the Secretary of Agriculture from appropriations for forest highways such amounts as may be needed to cover necessary administrative expenses of the Forest Service in connection with the forest highway program.

(f) Funds available for forest highways shall be available for adjacent vehicular parking areas and for sanitary, water, and fire control facilities.

*1948 Act, sec. 3 (a), last proviso*

*Provided further,* That the Commissioner of Public Roads shall transfer to the Chief of the Forest Service from appropriations for forest highways such amounts as may be needed to cover necessary administrative expenses of the Forest Service in connection with the forest highway program.

*1956 Act, sec. 103 (a), part*

*Provided further,* That hereafter funds available for forest highways and forest development roads and trails shall also be available for adjacent vehicular parking areas and for sanitary, water, and fire control facilities.

*1958 Act, sec. 3 (a) part*

*Provided further,* That hereafter funds available for forest highways and forest development roads and trails shall also be available for adjacent vehicular parking areas and for sanitary, water, and fire control facilities.

*1921 Act, sec. 23(a), part*

\* \* \* appropriation \* \* \* that may hereafter be made for expenditures under the provisions of this section shall be expended under the direct supervision of the Secretary of Agriculture in the survey, construction, reconstruction, and maintenance of roads and trails \* \* \*

*1921 Act, sec. 23(c)*

The Secretary of Agriculture may enter into contracts with any Territory, State, or civil subdivision thereof for the construction, reconstruction, or maintenance of any forest road or trail or part thereof.

#### *Sec. 205. Forest Development Roads and Trails*

(a) Funds available for forest development roads and trails shall be used by the Secretary of Agriculture to pay for the cost of construction and maintenance thereof, including roads and trails, on experimental areas under Forest Service administration. In connection therewith, the Secretary of Agriculture may enter into construction contracts with a State or civil subdivision thereof, and issue such regulations, as he deems advisable.



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*1954 Act, sec. 3, 2d proviso*

*Provided further*, That hereafter funds available for forest development roads and trails shall also be available for vehicular parking areas.

*Act of July 22, 1942 (56 Stat. 682) and subsequent appropriation Acts*

\* \* \* and for the construction, reconstruction, and maintenance of roads and trails on experimental areas under Forest Service administration \* \* \*

*1921 Act, sec. 23 (b)*

Cooperation of Territories, States, and civil subdivisions thereof may be accepted but shall not be required by the Secretary of Agriculture.

*1921 Act, sec. 23 (d)*

Construction work on forest roads or trails estimated to cost \$5,000 or more per mile, exclusive of bridges, shall be advertised and let to contract.

If such estimated cost is less than \$5,000 per mile, or if, after proper advertising, no acceptable bid is received, or the bids are deemed excessive, the work may be done by the Secretary of Agriculture on his own account; and for such purpose the Secretary of Agriculture may purchase, lease, hire, rent, or otherwise obtain all necessary supplies, materials, tools, equipment, and facilities required to perform the work.

The appropriation made in this section or that may hereafter be made for expenditure under the provision

(b) Cooperation of States, counties, or other local subdivisions, may be accepted but shall not be required by the Secretary of Agriculture.

(c) Construction estimated to cost \$10,000 or more per mile, exclusive of bridges, shall be advertised and let to contract. If such estimated cost is less than \$10,000 per mile or if, after proper advertising, no acceptable bid is received or the bids are deemed excessive, the work may be done by the Secretary of Agriculture on his own account. For such purpose, the Secretary of Agriculture may purchase, lease, hire, rent, or otherwise obtain all necessary supplies, materials, tools, equipment, and facilities required to perform the work, and may pay wages, salaries and other expenses for help employed in connection with such work.

of this section may be expended for the purpose herein authorized and for the payment of wages, salaries, and other expenses for help employed in connection with such work.

*1948 Act, sec. 3 (c)*

Hereafter, construction work on forest-development roads and trails, pursuant to the provisions of section 23 of the Federal Highway Act of November 9, 1921, as amended and supplemented, estimated to cost \$10,000 or more per mile, exclusive of bridges, shall be advertised and let to contract. If such estimated cost is less than \$10,000 per mile, or if, after proper advertising, no acceptable bid is received, or the bids are deemed excessive, the work may be done by the Secretary of Agriculture on his own account.

*1956 Act, sec. 102 (a), part*

*Provided further*, That hereafter funds available for forest highways and forest development roads and trails shall also be available for adjacent vehicular parking areas and for sanitary, water, and fire control facilities:

*1958 Act, sec. 3 (a) part*

*Provided further*, That hereafter funds available for forest highways and forest development roads and trails shall also be available for adjacent vehicular parking areas and for sanitary, water, and fire control facilities:

*1956 Act, sec. 104 (a), part*

For the construction, reconstruction, and improvement of roads and trails \* \* \* in national parks \* \* \*

(d) Funds available for forest development roads and trails shall be available for adjacent vehicular parking areas and for sanitary, water, and fire control facilities.

*Sec. 206. Park Roads and Trails*

(a) Funds available for park roads and trails shall be used to pay for the cost of construction and improvement thereof.

## SOURCES IN PRIOR LAWS

*1958 Act, sec. 4 (a) part*

For the construction, reconstruction, and improvement of roads and trails \* \* \* in national parks \* \* \*

*1950 Act, sec. 4 (a), proviso*

*Provided*, That hereafter appropriations for the construction, reconstruction, and improvement of such park and monument roads shall be administered in conformity with regulations jointly approved by the Secretary of the Interior and the Secretary of Commerce.

*1956 Act, sec. 104 (b), part*

For the construction, reconstruction, and improvement of parkways. \* \* \*

*1958 Act, sec. 4 (b) part*

For the construction, reconstruction, and improvement of parkways. \* \* \*

*1950 Act, sec. 4 (b), 1st proviso*

*Provided*, That hereafter appropriations for the construction of parkways shall be administered in conformity with regulations jointly approved by the Secretary of the Interior and the Secretary of Commerce.

*1940 Act, sec. 9, proviso*

*Provided*, That hereafter the location of such parkways upon public lands, national forests, or other Federal reservations shall be determined by agreement between the department having jurisdiction over such lands and the National Park Service.

(b) Appropriations for the construction and improvement of park roads shall be administered in conformity with regulations jointly approved by the Secretary and the Secretary of the Interior.

*Sec. 207. Parkway*

(a) Funds available for parkways shall be used to pay for the cost of construction and improvement thereof.

(b) Appropriations for the construction of parkways shall be administered in conformity with regulations jointly approved by the Secretary and the Secretary of the Interior.

(c) The location of parkways upon public lands, national forests, or other Federal reservations, shall be determined by agreement between the department having jurisdiction over such lands and the Secretary of the Interior.



*Sec. 208. Indian Reservation Roads*

(a) Funds available for Indian reservation roads and bridges shall be used to pay for the cost of construction, and improvement thereof.

(b) The Secretary shall approve the location, type, and design of all projects for Indian reservation roads before any expenditures are made thereon and all construction thereof shall be under the general supervision of the Secretary.

(c) Indian labor may be employed in such construction and improvements under such rules and regulations as may be prescribed by the Secretary of the Interior.

*Sec. 209. Public Lands Highways*

(a) Funds available for public lands highways shall be used by the Secretary to pay for the cost of construction and maintenance thereof.

*1956 Act, sec. 104(c), part*

For the construction, improvement and maintenance of Indian reservation roads. \* \* \*

*1958 Act, sec. 4(c) part*

For the construction, improvement and maintenance of Indian reservation roads. \* \* \*

*1956 Act, sec. 104(c), proviso*

*Provided*, That the location, type, and design of all roads and bridges constructed shall be approved by the Secretary of Commerce before any expenditures are made thereon, and all such construction shall be under the general supervision of the Secretary of Commerce.

*Act of May 26, 1928 (45 Stat. 750)*

\* \* \* the employment of Indian labor in the survey, improvement, construction, and maintenance of Indian reservation roads not eligible to Government aid under the Federal Highway Act and for which no other appropriation is available, under such rules and regulations as may be prescribed by the Secretary of the Interior.

*1956 Act, sec. 105, part*

\* \* \* for the survey, construction, reconstruction, and maintenance of main roads through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations \* \* \*

*1958 Act, sec. 5, part*

\* \* \* for the survey, construction, reconstruction, and maintenance of main roads through unappropriated or

unreserved public lands, nontaxable Indian lands, or other Federal reservations \* \* \*

*Act of June 24, 1930 (46 Stat. 805), part*

The Secretary of Agriculture is authorized to cooperate with the State highway departments and with the Department of the Interior, in the survey, construction, reconstruction, and maintenance of main roads through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations other than the forest reservations.

*1941 Act, sec. 6, first two sentences*

The Commissioner of Public Roads is authorized to provide for the construction and improvement of access roads (including bridges, tubes and tunnels thereon) to military and naval reservations, to defense industries and defense industry sites, and to the sources of raw materials when such roads are certified to the Federal Works Administrator as important to the national defense by the Secretary of War or the Secretary of the Navy, and for replacing existing highways and highway connections that are shut off from general public use by necessary closures or restrictions at military and naval reservations and defense industry sites. The acquisition of new or additional rights-of-way necessary for such projects may, to the extent determined by the Federal Works Administrator, be included as part of the construction of such projects and Federal funds shall be available to pay the cost of such acquisition.

(b) The Secretary is authorized to cooperate with the State highway departments and with the Secretary of the Department having jurisdiction over the particular lands, in the survey, construction and maintenance of public lands highways.

(c) The provisions of section 112 of this title are applicable to public lands highways.

*Sec. 210. Defense Access Roads*

(a) The Secretary is authorized out of the funds appropriated for defense access roads to provide for the construction and maintenance of defense access roads (including bridges, tubes, and tunnels thereon) to military reservations, to defense industries and defense industry sites and to the sources of raw materials when such roads are certified to the Secretary as important to the national defense by the Secretary of Defense or such other official as the President may designate, and for replacing existing highways and highway connections that are shut off from general public use by necessary closures or restrictions at military reservations and defense industry sites.

*1942 Act, sec. 1 (b)*

The first sentence of section 6 of such Act is hereby amended by inserting, after the word "construction", a comma and the word "maintenance".

*1941 Act, sec. 6, 3d sentence, part*

\* \* \* sum \* \* \* which shall be available, without regard to apportionment among the several States, for paying all or any part of the cost thereof. \* \* \*

*Act of October 16, 1951 (65 Stat. 422) part*

That not exceeding \$5,000,000 of any funds appropriated under this authorization may be used by the Secretary of Commerce in areas certified to him by the Secretary of Defense as maneuver areas, for such reconstruction, maintenance, and repair work as may be necessary to keep the roads therein which have been or may be used for training of the Armed Forces in suitable condition for such training purposes, and for repairing the damage caused to such roads by the operations of men and equipment in such training.

*1950 Act, sec. 12 (proviso)*

That the roads authorized to be constructed under this section shall be certified to the Secretary of Commerce as important to the national defense by the Secretary of Defense or such other official as the President may designate.

(b) Funds appropriated for the purposes of this section shall be available without regard to apportionment among the several States for paying all or any part of the cost of the construction and maintenance of defense access roads.

(c) Not exceeding \$5,000,000 of any funds appropriated under the Act approved October 16, 1951 (65 Stat. 422), may be used by the Secretary in areas certified to him by the Secretary of Defense as maneuver areas for such construction, maintenance and repair work as may be necessary to keep the highways therein, which have been or may be used for training of the armed forces, in suitable condition for such training purposes and for repairing the damage caused to such highways by the operations of men and equipment in such training.



(d) Whenever any project for the construction of a circumferential highway around a city or of a radial intracity route thereto submitted by any State is certified by the Secretary of Defense, or such other official as the President may designate as being important for civilian or military defense, such project may be constructed out of the funds heretofore or hereafter appropriated for defense access roads.

(e) If the Secretary shall determine that the State highway department of any State is unable to obtain possession and the right to enter upon and use the required rights-of-way, lands or interest in lands, improved, or unimproved, required for any project authorized by this section with sufficient promptness, the Secretary is authorized to acquire, enter upon, take possession thereof and expend funds for projects thereon, prior to approval of title by the Attorney General, in the name of the United States, such rights-of-way, lands or interest in lands as may be required in such State for such projects by purchase, donation, condemnation or otherwise in accordance with the laws of the United States (including the Act of February 26, 1931, 46 Stat. 1421). The cost incurred by the Secretary in acquiring any such rights-of-way, lands or interest in lands may include the cost of examination and abstract of title, certificate of title, advertising, and any fees incidental to such acquisition; and shall be pay-

*1952 Act, sec. 10, 1st proviso*

*Provided*, That whenever any project for the construction or improvement of a circumferential highway around a city or of a radial intracity route thereto submitted by any State, is certified by the Secretary of Defense, or such other official as the President may designate, as being important for civilian or military defense, such project may be constructed under the authorization in this section and in accordance with the conditions contained therein.

*1941 Act, sec. 14*

**ACQUISITION OF RIGHTS-OF-WAY.**—By agreement with the State highway department of any State, such new or additional rights-of-way, lands, or interests in lands in such State as may be required for any project authorized by this Act, may be acquired by such highway department or by any political subdivision of such State, and the Commissioner of Public Roads may advance or reimburse the share of the cost of such acquisition payable by the Federal Government: *Provided, however*, That if the Federal Works Administrator shall determine that the highway department of any State is unable to obtain possession and the right to enter upon and use the required rights-of-way, lands, or interests in lands, improved or unimproved, with sufficient promptness, the Federal Works Administrator is authorized to acquire, prior to approval of title by the Attorney General, in the name of the United States, such rights-of-way, lands, or interests in lands as may be required in such State for

able out of the funds available for paying the cost or the Federal share of the cost of the project for which such rights-of-way, lands or interest in lands are acquired. The Secretary is further authorized and directed by proper deed executed in the name of the United States to convey any lands or interest in lands acquired in any State under the provisions of prior acts or of this section to the State highway department of such State or to such political subdivision thereof as its laws may provide, upon such terms and conditions as may be agreed upon by the Secretary and the State highway department, or political subdivisions to which the conveyance is to be made.

such projects, by purchase, donation, condemnation, or otherwise, in accordance with the laws of the United States (including the Act of February 26, 1931, 46 Stat. 1421) and, during the continuance of the emergency declared by the President on May 27, 1941, may enter upon and take possession thereof, and expend public funds for projects thereon, prior to approval of title by the Attorney General (without regard to the provisions of sections 355, 1136, and 3709 of the Revised Statutes, as amended, and without regard to State, municipal, or local laws, ordinances, or regulations). The costs incurred by the Federal Works Administrator in acquiring and such rights-of-way, lands, or interests in lands may include the cost of examination and abstract of title, certificate of title, advertising, and any fees incidental to such acquisition; and shall be payable out of the funds available for paying the cost, or the Federal share of the cost, of the project for which such rights-of-way, lands, or interests in lands are acquired. The Federal Works Administrator is further authorized and directed, by proper deed executed in the name of the United States, to convey any lands or interests in lands acquired in any State under the provisions of this section to the highway department of such State, or to such political subdivision thereof as its laws may provide, upon condition that such highway department or

(f) The provisions of section 112 of this title are applicable to defense access roads.

*Note:* In section 210 (e) the words "enter upon, take possession thereof, and expend funds for projects thereon" have been included as a clarification. This language is intended to clarify the authority of the Secretary to take such action as may be necessary in the event he determines that "any State is unable to obtain possession and the right to enter upon and use the required rights-of-way, lands, or interests in lands."

#### *Sec. 211. Timber Access Road Hearings*

With respect to any proposed construction of a timber access road, from funds authorized for carrying out the provisions of sections 204, 205 and 210 of this title, advisory public hearings may be held at a place convenient or adjacent to the area of construction with notice and reasonable opportunity for interested persons to present their views as to the practicability and feasibility of such construction.

political subdivisions will accept the same and will maintain the project constructed thereon.

#### *1952 Act, sec. 10, 2d proviso*

*And be it further provided,* That with respect to any proposed construction or reconstruction of a timber access road under the authority contained in this section, advisory public hearings shall be held at a place convenient or adjacent to the area of construction or reconstruction with notice and reasonable opportunity for interested persons to present their views as to the practicability and feasibility of such construction or reconstruction.

#### *1954 Act, sec. 3, 1st proviso*

*Provided,* That with respect to any proposed construction or reconstruction of a timber access road, advisory public hearings shall be held at a place convenient or adjacent to the area of construction or reconstruction with notice and reasonable opportunity for interested persons to present their views as to the practicability and feasibility of such construction or reconstruction.



*1956 Act, sec. 103, 1st proviso*

*Provided*, That with respect to any proposed construction or reconstruction of a timber access road, advisory public hearings shall be held at a place convenient or adjacent to the area of construction or reconstruction with notice and reasonable opportunity for interested persons to present their views as to the practicability and feasibility of such construction or reconstruction.

*1958 Act, sec. 3 (a), 1st proviso*

*Provided*, That with respect to any proposed construction or reconstruction of a timber access road, advisory public hearings may be held at a place convenient or adjacent to the area of construction or reconstruction with notice and reasonable opportunity for interested persons to present their views as to the practicability and feasibility of such construction or reconstruction.

*1950 Act, sec. 11 (b)*

There is hereby authorized to be appropriated, in addition to the sums heretofore authorized, the sum of \$4,000,000 for the fiscal year ending June 30, 1951, and a like sum for the fiscal year ending June 30, 1952, to be available until expended, to enable the United States to cooperate with the Governments of the American Republics situated in Central America—that is, with the Governments of the Republics of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama—in the survey and construction of the Inter-American Highway within the borders of the aforesaid Republics, respectively. Not to exceed \$2,000,000 of the appropriation hereinabove authorized for each fiscal year may be ex-

*Sec. 212. Inter-American Highway*

(a) Funds appropriated for the Inter-American Highway shall be used to enable the United States to cooperate with the Governments of the American Republics situated in Central America—that is, with the Governments of the Republics of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama—in the survey and construction of the Inter-American Highway within the borders of the aforesaid Republics, respectively. Not to exceed one-third of the appropriation authorized for each fiscal year may be expended without requiring the country or countries in which such sums may be expended to match any part thereof, if the Secretary of State shall find that the cost of constructing said highway in such

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country or countries will be beyond their reasonable capacity to bear. The remainder of such authorized appropriations shall be available for expenditure only when matched to the extent required by this section by the country in which such expenditure may be made. Expenditures from the funds available on a matching basis shall not be made for the survey and construction of any portion of said highway within the borders of any country named herein unless such country shall provide and make available for expenditure in conjunction therewith a sum equal to at least one-third of the expenditures that may be incurred by that Government and the United States on such portion of the highway. All expenditures by the United States under the provisions of this section for material, equipment, and supplies shall, whenever practicable, be made for products of the United States or of the country in which such survey or construction work is being carried on. Construction work to be performed under contract shall be advertised for a reasonable period by the Minister of Public Works, or other similar official, of the government concerned in each of the participating countries and contracts shall be awarded pursuant to such advertisements with the approval of the Secretary. No part of the appropriations authorized shall be available for obligation or expenditure for work on said highway in any cooperating country unless the government of said country shall have assented to the provisions of this section; shall have furnished satisfactory assurances that it has an organization adequately qualified to administer

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pended without requiring the country or countries in which such sums may be expended to match any part thereof, if the Secretary of State shall find that the cost of constructing said highway in such country or countries will be beyond their reasonable capacity to bear. The remainder of such authorized appropriations shall be available for expenditure only when matched to the extent required by this Act by the country in which such expenditure may be made. Expenditures from the sums available on a matching basis shall not be made for the survey and construction of any portion of said highway within the borders of any country named herein unless such country shall provide and make available for expenditure in conjunction therewith a sum equal to at least one-third of the expenditures that may be incurred by that Government and the United States on such portion of the highway. All expenditures by the United States under the provisions of this Act for material, equipment, and supplies shall, whenever practicable, be made for products of the United States or of the country in which such survey or construction work is being carried on. Construction work to be performed under contract shall be advertised for a reasonable period by the Minister of Public Works, or other similar official, of the government concerned in each of the participating countries and contracts shall be awarded pursuant to such advertisements with the approval of the Secretary of Commerce of the United States. No part of the appropriations herein authorized shall be available for obligation or expenditure for work on said

the functions required of such country under the provisions hereof; and then only as such country may submit requests, from time to time, for the construction of any portion of the highway to standards adequate to meet present and future traffic needs. No part of said appropriations shall be available for obligation or expenditure in any such country until the government of that country shall have entered into an agreement with the United States which shall provide, in part, that said country—

(1) will provide, without participation of funds authorized, all necessary right-of-way for the construction of said highway, which right-of-way shall be of a minimum width where practicable of one hundred meters in rural areas and fifty meters in municipalities and shall forever be held inviolate as a part of highway for public use;

(2) will not impose any highway toll, or permit any such toll to be charged, for use by vehicles or persons of any portion of said highway constructed under the provisions of this section;

(3) will not levy or assess, directly or indirectly, any fee, tax, or other charge for the use of said highway by vehicles or persons from the United States that does not apply equally to vehicles or persons of such country;

highway in any cooperating country unless the government of said country shall have assented to the provisions of this Act; shall have furnished satisfactory assurances that it has an organization adequately qualified to administer the functions required of such country under the provisions hereof; and then only as such country may submit requests, from time to time, for the construction of any portion of the highway to standards adequate to meet present and future traffic needs: *Provided*, That no part of said appropriations shall be available for obligation or expenditure in any such country until the government of that country shall have entered into an agreement with the United States which shall provide, in part, that said country—

(1) will provide, without participation of funds herein authorized, all necessary right-of-way for the construction of said highway, which right-of-way shall be of a minimum width where practicable of one hundred meters in rural areas and fifty meters in municipalities and shall forever be held inviolate as a part of the highway for public use;

(2) will not impose any highway toll, or permit any such toll to be charged, for use by vehicles or persons of any portion of said highway constructed under the provisions of this Act;

(3) will not levy or assess, directly or indirectly, any fee, tax, or other charge for the use of said highway by vehicles or persons from the United States that does not apply equally to vehicles or persons of such country;



(4) will continue to grant reciprocal recognition of vehicle registration and drivers' licenses in accordance with the provisions of the Convention for the Regulation of Inter-American Automotive Traffic, which was opened for signature at the Pan American Union in Washington on December 15, 1943, and to which such country and the United States are parties, or of any other treaty or international convention establishing similar reciprocal recognition; and

(5) will provide for the maintenance of said highway after its completion in condition adequately to serve the needs of present and future traffic.

*1954 Act, sec. 7, part*

Not to exceed one-third of the appropriation authorized for each fiscal year may be expended without requiring the country or countries in which such sums may be expended to match any part thereof, if the Secretary of State shall find that the cost of constructing said highway in such country or countries will be beyond their reasonable capacity to bear.

*Act approved December 26, 1941 (55 Stat. 860), sec. 2*

The survey and construction work authorized by this Act shall be under the administration of the Public Roads Administration, Federal Works Agency, which shall consult with the appropriate officials of the Department of State with respect to matters involving the foreign relations of this Government, and such negotiations with the governments of the American Republics named in section

(b) The survey and construction work authorized by this section shall be under the administration of the Secretary, who shall consult with the appropriate officials of the Department of State with respect to matters involving the foreign relations of this Government, and such negotiations with the Governments of the American Republics named in subsection (a) of this section as may be re-

quired to carry out the purposes of this section shall be conducted through, or as authorized by, the Department of State.

(c) The provisions of this section shall not create or authorize the creation of any obligations on the part of the Government of the United States with respect to any expenditures for highway construction or survey heretofore or hereafter undertaken in any of the countries enumerated in subsection (a) of this section, other than the expenditures authorized by the provisions of this section.

(d) Appropriations made pursuant to any authorizations heretofore or hereafter enacted for the Inter-American Highway shall be considered available for expenditure by the Secretary for necessary administrative and engineering expenses in connection with the Inter-American Highway program.

*Note:* Subsection (d) is added as clarification for administrative and engineering expenses in connection with the American Highway Program are available for administrative and engineering expenses in connection therewith.

*Sec. 213. Rama Road*

(a) Recognizing the mutual benefits that will accrue to the Republic of Nicaragua and to the United States from the completion of the road from San Benito to Rama in said Republic of Nicaragua, the construction of which road was begun and partially completed pursuant to an agreement between said Republic and the United States, the Secretary is authorized out of the sums appropriated

1 as may be required to carry out the purposes of this Act shall be conducted through, or as authorized by, the Department of State.

*Act approved December 26, 1941 (55 Stat. 860), sec. 3*

The provisions of this Act shall not create or authorize the creation of any obligations on the part of the Government of the United States with respect to any expenditures for highway construction or survey heretofore or hereafter undertaken in any of the countries enumerated in section 1, other than the expenditures authorized by the provisions of this Act.

*1952 Act, sec. 5 (a)*

Recognizing the mutual benefits that will accrue to the Republic of Nicaragua and to the United States from the completion of the road from San Benito to Rama in said Republic of Nicaragua, the construction of which road was begun and partially completed pursuant to an agreement between said Republic and the United States, there is hereby authorized to be appropriated \$2,000,000

for such purposes to provide for the construction of such road. No expenditure shall be made hereunder for the construction of said road until a request therefor shall have been received by the Secretary of State from the Government of the Republic of Nicaragua nor until an agreement shall have been entered into by said Republic with the Secretary of State which shall provide, in part, that said Republic—

(1) will provide, without participation of funds authorized under this Act, or under prior acts, all necessary right-of-way for the construction of said highway, which right-of-way shall be of a minimum width where practicable of one hundred meters in rural areas and fifty meters in municipalities and shall forever be held inviolate as a part of the highway for public use;

(2) will not impose any highway toll, or permit any such toll to be charged for the use of said highway by vehicles or persons;

(3) will not levy or assess, directly or indirectly, any fee, tax, or other charge for the use of said road by vehicles or persons from the United States that does not apply equally to vehicles or persons of such Republic;

(4) will continue to grant reciprocal recognition of vehicle registration and drivers' licenses in accordance with the provisions of the Convention for the Regulation of Inter-American Automotive Traffic, which was opened for signature at the Pan American

for the fiscal year ending June 30, 1953, and a like sum for the fiscal year ending June 30, 1954, for the construction of such road, to be available until expended. No expenditure shall be made hereunder for the construction of said road until a request therefor shall have been received by the Secretary of State from the Government of the Republic of Nicaragua nor until an agreement shall have been entered into by said Republic with the Secretary of State which shall provide, in part, that said Republic—

(1) will provide, without participation of funds herein authorized, all necessary right-of-way for the construction of said highway, which right-of-way shall be of a minimum width where practicable of one hundred meters in rural areas and fifty meters in municipalities and shall forever be held inviolate as a part of the highway for public use;

(2) will not impose any highway toll, or permit any such toll to be charged for the use of said highway by vehicles or persons;

(3) will not levy or assess, directly or indirectly, any fee, tax, or other charge for the use of said road by vehicles or persons from the United States that does not apply equally to vehicles or persons of such Republic;

(4) will continue to grant reciprocal recognition of vehicle registration and drivers' licenses in accordance with the provisions of the Convention for the Regulation of Inter-American Automotive Traffic, which was opened for signature at the Pan American



Union in Washington on December 15, 1943, and to which such Republic and the United States are parties; or any other treaty or international convention establishing similar reciprocal recognition; and

(5) will maintain said road after its completion in proper condition adequately to serve the needs of present and future traffic.

(b) The funds appropriated for such purposes shall be available for expenditure in accordance with the terms of this section for the survey and construction of the said road from San Benito to Rama in the Republic of Nicaragua without being matched by said Republic, and all expenditures made under the provisions of this section for materials, equipment, and supplies, shall, whenever practicable, be made for products of the United States or of the Republic of Nicaragua.

(c) The survey and construction work undertaken pursuant to this section shall be under the general supervision of the Secretary.

*Note:* The phrase "and for the survey but not for the construction of a road from Rama to El Bluff" in existing law was deleted inasmuch as the responsibility of the United States to make a survey for this road was canceled by an exchange of notes dated August 2, 1956.

Union in Washington on December 15, 1943, and to which such Republic and the United States are parties; or any other treaty or international convention establishing similar reciprocal recognition; and

(5) will maintain said road after its completion in proper condition adequately to serve the needs of present and future traffic.

*1952 Act, sec. 5 (b)*

The funds appropriated pursuant to this authorization shall be available for expenditure in accordance with the terms of this Act for the survey and construction of the said road from San Benito to Rama and for the survey but not for the construction of a road from Rama to El Bluff in the Republic of Nicaragua without being matched by said Republic, and all expenditures made under the provisions of this Act for materials, equipment, and supplies, shall, whenever practicable, be made for products of the United States or of the Republic of Nicaragua.

*1954 Act, sec. 8, proviso*

\* \* \* *Provided*, That the survey and construction work authorized by the said section 5 shall be under the general supervision of the Secretary of Commerce.

## SOURCES IN PRIOR LAWS

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## CHAPTER 3—GENERAL PROVISIONS

## Sec.

- 301. Freedom from tolls.
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- 303. Bureau organization.
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*Sec. 301. Freedom From Tolls*

Except as provided in section 129 of this title with respect to certain toll bridges and toll tunnels, all highways constructed under the provisions of this title shall be free from tolls of all kinds.

*1921 Act, sec. 9, 1st paragraph*

That all highways constructed or reconstructed under the provisions of this act shall be free from tolls of all kinds.

*Sec. 302. State Highway Department*

(a) Any State desiring to avail itself of the provisions of this title shall have a State highway department which shall have adequate powers, and be suitably equipped and organized to discharge to the satisfaction of the Secretary the duties required by this title. Among other things, the organization shall include a secondary road unit.

*1921 Act, sec. 2, part*

The term "State highway department" includes any State department, commission, board, or official having adequate powers and suitably equipped and organized to discharge to the satisfaction of the Secretary of Agriculture the duties herein required.

*1950 Act, sec. 2, to 1st proviso*

Any State desiring to avail itself of the benefits of the funds apportioned for expenditure on the Federal-aid secondary highway system shall establish in its State highway department within six months after the close of the next regular session of its legislature, a secondary road unit and such department shall be suitably organized to discharge to the satisfaction of the Secretary of Commerce, the duties herein required.

*1950 Act, sec. 2, 1st proviso*

*Provided*, That any State highway department may arrange with any county or group of counties having competent highway engineering personnel, suitably organized and equipped to the satisfaction of the State highway department, to supervise construction and maintenance on a county-unit or group-unit basis for the construction and maintenance of secondary road projects.

*Reorganization Plan No. 1, 1939 (53 Stat. 1426), part*

SEC. 301. (a) The Bureau of Public Roads in the Department of Agriculture and its functions and personnel (including the Chief thereof) are transferred from the Department of Agriculture. \* \* \*

(b) The State highway department may arrange with a county or group of counties for competent highway engineering personnel, suitably organized and equipped to the satisfaction of the State highway department, to supervise construction and maintenance on a county-unit or group-unit basis, for the construction of projects on the Federal-aid secondary system, financed with secondary funds, and for the maintenance thereof.

*Sec. 303. Bureau Organization*

(a) The Bureau of Public Roads shall be in the Department of Commerce as a primary unit administered by the Federal Highway Administrator, appointed by the President by and with the advice and consent of the Sen-



ate. The Administrator shall receive basic compensation at the rate prescribed by law for Assistant Secretaries of executive departments and shall perform such duties as the Secretary of Commerce may prescribe or as may be required by law. There shall be a Commissioner of Public Roads in the Bureau of Public Roads who shall be appointed by the Secretary and perform such duties as may be prescribed by the Federal Highway Administrator. The Commissioner of Public Roads shall receive basic compensation at the rate of \$17,500 per annum.

SEC. 302. (a) The Bureau of Public Roads and its functions shall be administered as the Public Roads Administration at the head of which shall be the Chief of the Bureau of Public Roads whose title shall be changed to Commissioner of Public Roads. Hereafter the Commissioner of Public Roads shall be appointed by the Federal Works Administrator.

*Reorganization Plan No. 7 of 1949, approved June 20, 1949*  
*Reorganization Plan No. 5 of 1950, approved March 13, 1950*

*Act Approved August 3, 1956, (70 Stat. 990)*

That notwithstanding any other provision of law, order, or regulation, the head of the Bureau of Public Roads in the Department of Commerce shall be a Federal Highway Administrator appointed by the President by and with the advice and consent of the Senate. The Administrator shall receive basic compensation at the rate prescribed by law for Assistant Secretaries of executive departments and shall perform such duties as the Secretary of Commerce may prescribe or as may be required by law.

SEC. 2. The term "Commissioner of Public Roads", as used in all laws, orders, and regulations, shall be deemed to mean "Federal Highway Administrator" on and after the date of enactment of this Act.

SEC. 3. Notwithstanding the provisions of section 2 hereof, there shall be a Commissioner of Public Roads in the Bureau of Public Roads who shall be appointed by the

Secretary of Commerce, and perform such duties as may be prescribed by the Federal Highway Administrator. The basic compensation of the Commissioner of Public Roads shall be \$17,500 per annum.

*1916 Act, sec. 9*

That out of the appropriations made by or under this Act the Secretary of Agriculture is authorized to employ such assistants, clerks, and other persons in the city of Washington and elsewhere, to be taken from the eligible lists of the Civil Service Commission, to rent buildings outside of the city of Washington, to purchase such supplies, material, equipment, office fixtures, and apparatus, and to incur such travel and other expense as he may deem necessary for carrying out the purposes of this Act.

*Appropriation Act, approved June 20, 1956 (70 Stat. 314)*

\* \* \* including advertising in the city of Washington for work to be performed in areas adjacent thereto \* \* \*

*Appropriation Act, approved June 20, 1956 (70 Stat. 314)*

Appropriations to the Bureau of Public Roads may be used \* \* \* for temporary services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), but at rates for individuals not in excess of \$100 per diem.

*1956 Act, sec. 116(d)*

PARTICIPATION BY SMALL BUSINESS ENTERPRISES.—It is hereby declared to be in the national interest to encourage and develop the actual and potential capacity of small business and to utilize this important segment of our economy to the fullest extent in construction of the Federal-aid

(b) The Secretary is authorized to employ such assistants, clerks, and other persons in the city of Washington and elsewhere, to be taken from the eligible lists of the Civil Service Commission, to rent buildings outside of the city of Washington, to purchase such supplies, material, equipment, office fixtures and apparatus, to advertise in the city of Washington for work to be performed in areas adjacent thereto, and to incur, and authorize the incurring of, such travel and other expenses as he may deem necessary for carrying out the functions under this title.

(c) The Secretary is authorized to procure temporary services in accordance with the provisions of Section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), but at rates for individuals not in excess of \$100 per diem.

*Sec. 304. Participation by Small Business Enterprises*

It is hereby declared to be in the national interest to encourage and develop the actual and potential capacity of small business and to utilize this important segment of our economy to the fullest practicable extent in construction of the Federal-aid highway systems, including the

Interstate System. In order to carry out that intent and encourage full and free competition, the Secretary should assist, insofar as feasible, small business enterprises in obtaining contracts in connection with the prosecution of the highway program.

*Sec. 305. Archeological and Paleontological Salvage*

Funds authorized to be appropriated under the Federal-Aid Highway Act of 1956, to the extent approved as necessary by the highway department of any State, may be used for archeological and paleontological salvage in that State in compliance with the Act entitled "An Act for the preservation of American antiquities", approved June 8, 1906, (34 Stat. 225) and State laws where applicable.

*Sec. 306. Mapping*

In carrying out the provisions of this title, the Secretary may, whenever practicable, authorize the use of photogrammetric methods in mapping, and the utilization of commercial enterprise for such services.

*Sec. 307. Research and Planning*

(a) The Secretary is authorized in his discretion to engage in research on all phases of highway construction, modernization, development, design, maintenance, safety, financing, and traffic conditions, including the effect thereon of State laws and is authorized to test, develop, or assist in the testing and developing of any material, invention, patented article, or process. The Secretary

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highway systems, including the Interstate System. In order to carry out that intent and encourage full and free competition, the Secretary of Commerce should assist, insofar as feasible, small business enterprises in obtaining contracts in connection with the prosecution of the highway program.

*1956 Act, sec. 120*

Funds authorized by this title to be appropriated, to the extent approved as necessary by the highway department of any State, may be used for archeological and paleontological salvage in that State in compliance with the Act entitled "An Act for the preservation of American antiquities", approved June 8, 1906 (34 Stat. 225), and State laws where applicable.

*1956 Act, sec. 121*

In carrying out the provisions of this title the Secretary of Commerce may, whenever practicable, authorize the use of photogrammetric methods in mapping, and the utilization of commercial enterprise for such services.

*1954 Act, sec. 10 (a)*

The Secretary of Commerce is authorized in his discretion to engage in research on all phases of highway construction, reconstruction, modernization, development, design, maintenance, safety, financing, and traffic conditions, including the effect thereon of State laws, and is authorized to test, develop, or assist in the testing and developing of any material, invention, patented article,



or process. The Secretary may carry out the authority granted hereby either independently or in cooperation with any other branch of the Government, State agency, authority, association, institution, corporation (profit or nonprofit), or any other organization or person. The funds required to carry out the provisions of this subsection shall be taken out of the administrative and research funds authorized by section 21 of the Federal Highway Act (42 Stat. 212), as amended. The provisions of section 3709 of the Revised Statutes (41 U. S. C., sec. 5) shall not be applicable to contracts or agreements made under the authority of this subsection.

*1954 Act, sec. 10 (b)*

The Secretary shall include in the highway research program herein authorized studies of economic highway geometrics, structures, and desirable weight and size standards for vehicles using the public highways and of the feasibility of uniformity in State regulations with respect to such standards, and he shall report from time to time to the Committees on Public Works of the Senate and of the House of Representatives on the progress and findings with respect to such studies.

*1944 Act, sec. 8*

With the approval of the Federal Works Administrator, not to exceed 1½ per centum of the amount apportioned for any year to any State under the Federal Highway Act, as amended and supplemented, except sections 3 and 23 thereof, shall hereafter be used with or without State

may publish the results of such research. The Secretary may carry out the authority granted hereby, either independently, or in cooperation with any other branch of the Government, State agency, authority, association, institution, corporation (profit or nonprofit), or any other organization, or person. The funds required to carry out the provisions of this subsection shall be taken out of the administrative and research funds authorized by section 104 of this title and such funds as may be deposited in a special account with the Secretary of the Treasury for such purposes by any cooperating organization or person. The provisions of section 3709 of the Revised Statutes, as amended (41 U. S. C., sec. 5), shall not be applicable to contracts or agreements made under the authority of this subsection.

(b) The Secretary shall include in the highway research program herein authorized studies of economic highway geometrics, structures, and desirable weight and size standards for vehicles using the public highways and of the feasibility of uniformity in State regulations with respect to such standards and he shall report from time to time to the Committees on Public Works of the Senate and of the House of Representatives on the progress and findings with respect to such studies.

(c) Not to exceed 1½ percent of the sums apportioned for any year to any State under section 104 of this title shall be available for expenditure upon request of the State highway department, with the approval of the Secretary, with or without State funds, for engineering and economic surveys and investigations, for the planning of

future highway programs and the financing thereof, for studies of the economy, safety and convenience of highway usage and the desirable regulation and equitable taxation thereof, and for research necessary in connection with the planning, design, construction and maintenance of highways and highway systems, and the regulation and taxation of their use.

*Note:* Section 307 clarifies existing law. The language in section 307 (c) represents the types of studies now being undertaken by State highway departments.

*Sec. 308. Cooperation with Federal and State agencies and foreign countries*

(a) The Secretary is authorized to perform by contract or otherwise authorized engineering or other services in connection with the survey, construction, maintenance or improvement of highways for other Government agencies, cooperating foreign countries, and State cooperating agencies, and reimbursement for such services (which may include depreciation on engineering and road-building equipment used) shall be credited to the appropriation concerned.

funds for surveys, plans, engineering, and economic investigations of projects for future construction in such State, on the Federal-aid highway system and extensions thereof within municipalities, on secondary or feeder roads, urban highways or grade-crossing eliminations, and for highway research necessary in connection therewith.

*1941 Act, sec. 15*

The Commissioner of Public Roads is authorized, upon the request of any branch of the Federal Government, to perform any service in connection with the construction of roads or bridges, including the preparation of plans, designs, specifications and estimates, the execution of contracts, and supervision of the work, payment of all costs involved in such work to be made by transfer of funds in accordance with the provisions of section 7 of the Act approved May 21, 1920 (41 Stat. 613), as amended.

*Appropriation Act, approved June 20, 1956 (70 Stat. 314)*

\* \* \* authorized engineering or other services in connection with the survey, construction, and maintenance, or improvement of roads may be performed for other Government agencies, cooperating foreign countries and State cooperating agencies and reimbursement for such services (which may include depreciation on engineering

and road-building equipment used) shall be credited to the appropriation concerned.

*Appropriation Act, approved June 20, 1956 (70 Stat. 314)*

\* \* \* appropriations for the work of the Bureau of Public Roads shall be available for expenses of warehouse maintenance and the procurement, care, and handling of supplies, materials and equipment for distribution to projects under the supervision of the Bureau of Public Roads, or for sale or distribution to other Government agencies, cooperating foreign countries and State cooperating agencies, and the cost of such supplies and materials or the value of such equipment (including the cost of transportation and handling) may be reimbursed to current applicable appropriations.

*Appropriation Act, approved June 20, 1956 (70 Stat. 314)*

Of the total amount available from appropriations of the Bureau of Public Roads for general administrative expenses, pursuant to the provisions of section 21 of the Act of November 9, 1921, as amended (23 U. S. C. 21), \$100,000 shall be available for all necessary expenses to enable the President to utilize the services of the Bureau of Public Roads in fulfilling the obligations of the United States under the Convention on the Pan-American Highway Between the United States and Other American Republics (51 Stat. 152), cooperation with several governments, members of the Pan American Union, in connection with the survey and construction of the Inter-American Highway, and for performing engineering service in Pan-American countries for and upon the request of

(b) Appropriations for the work of the Bureau of Public Roads shall be available for expenses of warehouse maintenance and the procurement, care and handling of supplies, materials and equipment for distribution to projects under the supervision of the Bureau of Public Roads, or for sale or distribution to other Government agencies, cooperating foreign countries and State cooperating agencies, and the cost of such supplies and materials or the value of such equipment (including the cost of transportation and handling) may be reimbursed to current applicable appropriations.

*Sec. 209. Cooperation with other American Republics*

The President is authorized to utilize the services of the Bureau of Public Roads in fulfilling the obligations of the United States under the Convention on the Pan-American Highway Between the United States and Other American Republics (51 Stat. 152), cooperation with several governments, members of the Organization of American States, in connection with the survey and construction of the Inter-American Highway, and for performing engineering service in the other American Republics for and upon the request of any agency or governmental corporation of the United States. To the extent authorized in appropriation acts, administrative funds available in accordance with subsection (a) of section 104 of this title shall be available annually for the purposes of this section.



any agency or governmental corporation of the United States.

*1954 Act, sec. 9*

In order to assure that adequate consideration is given to civil defense aspects in the planning and construction of highways constructed or reconstructed with the aid of Federal funds, the Secretary of Commerce is authorized and directed to consult, from time to time, with the Federal Civil Defense Administrator relative to the civil defense aspects of highways so constructed or reconstructed.

*1940 Act, sec. 18*

Funds authorized and made available under section 21 of the Federal Highway Act, as amended, may be used to pay the entire engineering costs of the surveys, plans, specifications, estimates, and supervision of construction of projects for such urgent improvements of highways strategically important from the standpoint of the national defense as may be undertaken on the order of the Federal Works Administrator and as the result of request of the Secretary of War, the Secretary of the Navy, or other authorized national defense agency.

*Sec. 310. Civil Defense*

In order to assure that adequate consideration is given to civil defense aspects in the planning and construction of highways constructed or reconstructed with the aid of Federal funds, the Secretary of Commerce is authorized and directed to consult, from time to time, with the Federal Civil Defense Administrator relative to the civil defense aspects of highways so constructed or reconstructed.

*Sec. 311. Highway Improvements Strategically Important to the National Defense*

Funds made available under subsection (a) of section 104 of this title may be used to pay the entire engineering costs of the surveys, plans, specifications, estimates, and supervision of construction of projects for such urgent improvements of highways strategically important from the standpoint of the national defense as may be undertaken on the order of the Secretary and as the result of request of the Secretary of Defense or such other official as the President may designate. With the consent of a State, funds made available under subsection (b) of section 104 of this title may be used to the extent deemed necessary and advisable by the Secretary to carry out the provisions of this section.

*Sec. 312. Detail of Army, Navy and Air Force Officers*

The Secretary of Defense, upon request of the Secretary, is authorized to make temporary details to the Bureau of Public Roads of officers of the Army, the Navy, and the Air Force, without additional compensation, for technical advice and for consultation regarding highway needs for the national defense. Travel and subsistence expenses of officers so detailed shall be paid from appropriations available to the Department of Commerce on the same basis as authorized by law and by regulations of the Department of Defense for such officers.

*1941 Act, sec. 17*

DETAIL OF ARMY AND NAVY OFFICERS.—The Secretary of War and the Secretary of the Navy, upon request of the Federal Works Administrator, are authorized to make temporary details to the Public Roads Administration of officers of the Army and officers of the Navy, without additional compensation, for technical advice and for consultation regarding highway needs for the national defense: *Provided*, That the travel and subsistence expenses of officers so detailed shall be paid, from appropriations available to the Public Roads Administration, on the same basis as authorized by law and by regulations of the War Department for officers of the Army and by law and by regulations of the Navy Department for officers of the Navy.

*1950 Act, sec. 14, part*

The Commissioner of Public Roads is authorized and directed to assist in carrying out the action program of the President's Highway Safety Conference and to cooperate with the State highway departments and other agencies in this program to advance the cause of safety on the streets and highways.

*1952 Act, sec. 9*

The Commissioner of Public Roads is authorized and directed to assist in carrying out the action program of the President's Highway Safety Conference and to cooperate with the State highway departments and other agencies in this program to advance the cause of safety on the streets and highways: *Provided*, That not to exceed \$150,000 shall be expended annually for the purposes of this section.

*Sec. 313. Highway Safety Conference*

The Secretary is authorized and directed to assist in carrying out the action program of the President on highway safety, and to cooperate with the State highway departments and other agencies in this program to advance the cause of safety on the highways. Not to exceed \$150,000 out of the administrative funds made available in accordance with subsection (a) of section 104 of this title may be expended annually for the purposes of this section.

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*Sec. 314. Relief of employees in hazardous work*

The Secretary is authorized in an emergency to use appropriations to the Department of Commerce for carrying out the provisions of this title for medical supplies, services and other assistance necessary for the immediate relief of employees of the Bureau of Public Roads engaged in hazardous work.

*Sec. 315. Detail of employees as students*

During any fiscal year the Secretary is hereby authorized in his discretion to detail not to exceed ten of the regularly employed personnel of the Bureau of Public Roads as students for limited periods at such technical institutions as will enable such personnel to acquire special knowledge which will better fit them for the lines of work to which they are assigned. No expense other than the salaries of such personnel and the cost of tuition and other regular fees required at such institutions shall be incurred by the Secretary under this section.

*Sec. 316. Rules, regulations and recommendations*

Except as provided in sections 304 (d), 305 (a), 306 (b), 307 (b), and 308 (c) of this title, the Secretary is authorized to prescribe and promulgate all needful rules and regulations for the carrying out of the provisions of this title. The Secretary may make such recommendations

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*Appropriation Act, approved June 20, 1956 (70 Stat. 314)*

Appropriations to the Bureau of Public Roads may be used in emergency for medical supplies and services and other assistance necessary for the immediate relief of employees engaged on hazardous work under that Bureau.

*1941 Act, sec. 16*

DETAIL OF EMPLOYEES AS STUDENTS.—During any fiscal year the Commissioner of Public Roads is hereby authorized, in his discretion, to detail not to exceed ten of the regularly employed personnel of the Public Roads Administration as students for limited periods at such technical institutions as will enable such personnel to acquire special knowledge which will better fit them for the lines of work to which they are assigned: *Provided*, That no expense other than the salaries of personnel so detailed and the cost of tuition and other regular fees required at such institutions shall be incurred by the United States under this section.

*1921 Act, sec. 18*

That the Secretary of Agriculture shall prescribe and promulgate all needful rules and regulations for the carrying out of the provisions of this act, including such recommendations to the Congress and the State highway departments as he may deem necessary for preserving and



tions to the Congress and State highway departments as he deems necessary for preserving and protecting the highways and insuring the safety of traffic thereon.

*Sec. 317. Consent by United States to conveyance of property*

For the purposes of this title the consent of the United States is given to any railroad or canal company to convey to the State highway department of any State, or its nominee, any part of its right-of-way or other property in that State acquired by grant from the United States.

*Note:* The words "or its nominee" are added to department" so that in those instances where the county party to hold title to the right-of-way, such action can be effected.

*Sec. 318. Appropriation for highway purposes of lands or interests in lands owned by the United States*

(a) If the Secretary determines that any part of the lands or interests in lands owned by the United States is reasonably necessary for the right-of-way of any highway, or as a source of materials for the construction or maintenance of any such highway adjacent to such lands or interests in lands, the Secretary shall file with the Secretary of the Department supervising the administration of such lands or interests in lands a map showing the portion of such lands or interests in lands which it is desired to appropriate.

(b) If within a period of four months after such filing, the Secretary of such Department shall not have certified to the Secretary that the proposed appropriation of such land or material is contrary to the public interest or

protecting the highways and insuring the safety of traffic thereon.

*1921 Act, sec. 16*

That for the purpose of this act the consent of the United States is hereby given to any railroad or canal company to convey to the highway department of any State any part of its right of way or other property in that State acquired by grant from the United States.

That if the words "State highway department" are added to the words "State highway department" so that in those instances where the county party to hold title to the right-of-way, such action can be effected.

*1921 Act, sec. 17, 1st paragraph*

That if the Secretary of Agriculture determines that any part of the public lands or reservations of the United States is reasonably necessary for the right of way of any highway or forest road or as a source of materials for the construction or maintenance of any such highway or forest road adjacent to such lands or reservations, the Secretary of Agriculture shall file with the Secretary of the Department supervising the administration of such land or reservation a map showing the portion of such lands or reservations which it is desired to appropriate.

*1921 Act, sec. 17, 2d paragraph*

If within a period of four months after such filing the said Secretary shall not have certified to the Secretary of Agriculture that the proposed appropriation of such land

inconsistent with the purposes for which such land or materials have been reserved, or shall have agreed to the appropriation and transfer under conditions which he deems necessary for the adequate protection and utilization of the reserve, then such land and materials may be appropriated and transferred to the State highway department, or its nominee, for such purposes and subject to the conditions so specified.

(c) If at any time the need for any such lands or materials for such purposes shall no longer exist, notice of the fact shall be given by the State highway department to the Secretary and such lands or materials shall immediately revert to the control of the Secretary of the Department from which they had been appropriated.

(d) The provisions of this section shall apply only to projects constructed on a Federal-aid system or under the provisions of Chapter 2 of this title.

*Note:* The words "lands or interests in lands" have been substituted for "public lands or reservations" in section 318 (a) for purposes of clarity. A minor change in section 318 (b) permits the transfer to a nominee of the State highway department. This is inserted to take care of the situation where a county or other local subdivision rather than the State itself is the proper person to hold title to the right-of-way. The language in section 318 (d) is interpretive of existing law.

*Sec. 319. Highway relocation due to airport*

Federal highway funds shall not be used for the reconstruction or relocation of any highway giving access to an airport constructed or extended after December 20, 1944, or for the reconstruction or relocation of any highway which has been or may be closed or the usefulness

or material is contrary to the public interest or inconsistent with the purposes for which such land or materials have been reserved, or shall have agreed to the appropriation and transfer under conditions which he deems necessary for the adequate protection and utilization of the reserve, then such land and materials may be appropriated and transferred to the State highway department for such purposes and subject to the conditions so specified.

*1921 Act, sec. 17, 3d paragraph*

If at any time the need for any such lands or materials for such purposes shall no longer exist, notice of the fact shall be given by the State highway department to the Secretary of Agriculture, and such lands or materials shall immediately revert to the control of the Secretary of the department from which they had been appropriated.

*1944 Act, sec. 11*

Federal highway funds shall not be used for the reconstruction or relocation of any highway giving access to an airport (if such airport has been constructed or extended after the date of enactment of this Act), or for the reconstruction or relocation of any highway which has

been or may be closed or the usefulness of which has been or may be impaired by the location or constructed of any airport (if such airport has been constructed or extended after the date of enactment of this Act), unless, prior to such extension or construction, as the case may be, the State highway department and the Public Roads Administration have concurred with the officials in charge of the airport that the location of such airport or extension thereof and the consequent reconstruction or relocation of the highway are in the public interest.

*1940 Act, sec. 11*

Hereafter the construction of highways by the States with the aid of Federal funds may include such roadside and landscape development, including such sanitary and other facilities as may be deemed reasonably necessary to provide for the suitable accommodation of the public, all within the highway right-of-way and adjacent publicly owned or controlled recreational areas of limited size and with provision for convenient and safe access thereto by pedestrian and vehicular traffic, as may be approved by the Public Roads Administration. Such construction likewise may include the purchase of such adjacent strips of land of limited width and primary importance for the preservation of the natural beauty through which highways are constructed, as may be approved by the Public Roads Administration: *Provided*, That not to exceed 3 per centum of the Federal-aid funds apportioned to and matched by any State under this Act

of which has been or may be impaired by the location or construction of any airport constructed or extended after December 20, 1944, unless, prior to such construction or extension, as the case may be, the State highway department and the Secretary have concurred with the officials in charge of the airport that the location of such airport or extension thereof and the consequent reconstruction or relocation of the highway are in the public interest.

*Sec. 320. Landscaping*

The construction of highways by the States with sums apportioned in accordance with section 104 of this title may include such roadside and landscape development, including such sanitary and other facilities as may be deemed reasonably necessary to provide for the suitable accommodation of the public, all within the highway right-of-way and adjacent publicly owned or controlled rest and recreational areas of limited size and with provision for convenient and safe access thereto by pedestrian and vehicular traffic, as may be approved by the Secretary. Such construction likewise may include the purchase of such adjacent strips of land of limited width and primary importance for the preservation of the natural beauty through which highways are constructed, as may be approved by the Secretary. Not to exceed 3 percent of such sums, apportioned to a State in any fiscal year in accordance with section 104 of this title, may be



used by it for the purchase of such adjacent strips of land without being matched by such State.

*Note:* The term rest areas has been added to a right-of-way being more descriptive of the area adjacent to a right-of-way.

*Sec. 321. Bridges on Federal dams*

(a) Each executive department, independent establishment, office, board, bureau, commission, authority, administration, corporation wholly owned or controlled by the United States, or other agency of the Government of the United States, hereinafter collectively and individually referred to as "agency", which on or after July 29, 1946 has jurisdiction over and custody of any dam constructed or to be constructed and owned by or for the United States, is authorized, with any funds available to it, to design and construct any such dam in such manner that it will constitute and serve as a suitable and adequate foundation to support a public highway bridge upon and across such dam, and to design and construct upon the foundation thus provided a public highway bridge upon and across such dam. The highway department of the State in which such dam shall be located, jointly with the Secretary, shall first determine and certify to such agency that such bridge is economically desirable and needed as a link in the State or Federal-aid highway systems, and shall request such agency to design and construct such dam so that it will serve as a suitable and adequate foundation for a public highway bridge and to design and construct such a public highway bridge upon and across such dam,

may be used for the purchase of such adjacent strips of land without being matched by the States.

to publicly owned or controlled recreational areas as land without being matched by the States.

*Act approved July 29, 1946 (60 Stat. 709), sec. 1*

That hereafter each executive department, independent establishment, office, board, bureau, commission, authority, administration, corporation wholly owned or controlled by the United States, or other agency of the Government of the United States, hereinafter collectively and individually referred to as "agency", now or hereafter having jurisdiction over and custody of any dam constructed or to be constructed and owned by or for the United States, shall be, and is hereby, authorized, with any funds available to it, to design and construct any such dam in such manner that it will constitute and serve as a suitable and adequate foundation to support a public highway bridge upon and across such dam, and to design and construct upon the foundation thus provided a public highway bridge upon and across such dam: *Provided*, That the highway department of the State in which such dam shall be located jointly with the United States Commissioner of Public Roads shall first determine and certify to such agency that such bridge is economically desirable and needed as a link in the State or Federal-aid highway systems, and shall request such agency to design and construct such dam so that it will serve as a suitable and adequate foundation for a public highway bridge and to

and shall agree to reimburse such agency pursuant to subsection (d) for any additional costs which it may be required to incur because of the design and construction of such dam so that it will serve as a foundation for a public highway bridge and for any highway bridge and for any expenditures which it may find it necessary to make in designing and constructing such public highway bridge upon and across such dam. In no case shall the design and construction of a bridge upon and across any such dam be undertaken hereunder except by the agency having jurisdiction over and custody of the dam, acting directly or through contractors employed by it, and after such agency shall determine that it will be structurally feasible and will not interfere with the proper functioning and operation of the dam.

(b) Construction of any bridge upon and across any dam pursuant to this section shall not be commenced unless and until the State in which such bridge is to be located, or the appropriate subdivision of such State, shall enter into an agreement with such agency and with the Secretary to construct, or cause to be constructed, with or without the aid of Federal funds, the approach roads necessary to connect such bridge with existing public highways and to maintain, or cause to be maintained, such approach roads from and after their completion. Such agreement may also provide for the design and construction of such bridge upon and across the dam by such agency of the United States and for reimbursing

design and construct such public highway bridge upon and across such dam, and shall agree to reimburse such agency pursuant to section 4 hereof for any additional costs which it may be required to incur because of the design and construction of such dam so that it will serve as a foundation for a public highway bridge and for any expenditures which it may find it necessary to make in designing and constructing such public highway bridge upon and across such dam: *Provided further*, That in no case shall the design and construction of a bridge upon and across any such dam be undertaken hereunder except by the agency having jurisdiction over and custody of the dam, acting directly or through contractors employed by it, and after such agency shall determine that it will be structurally feasible and will not interfere with the proper functioning and operation of the dam.

*Act approved July 29, 1946 (60 Stat. 709), sec. 2*

Construction of any bridge upon and across any dam pursuant to this Act shall not be commenced unless and until the State in which such bridge is to be located, or the appropriate subdivision of such State, shall enter into an agreement with such agency and with the Commissioner of Public Roads to construct, or cause to be constructed, with or without the aid of Federal funds, the approach roads necessary to connect such bridge with existing public highways and to maintain, or cause to be maintained, such approach roads from and after their completion. Such agreement may also provide for the design and construction of such bridge upon and across the dam by such agency of the United States and for



such agency the costs incurred by it in the design and construction of the bridge as provided in subsection (d) of this section. Any such agency is hereby authorized to convey to the State, or to the appropriate subdivision thereof, without cost, such easements and rights-of-way in its custody or over lands of the United States in its custody and control as may be necessary, convenient, or proper for the location, construction, and maintenance of the approach roads referred to in this section, including such roadside parks or recreational areas of limited size as may be deemed necessary for the accommodation of the traveling public. Any bridge constructed pursuant to this section upon and across a dam in the custody and jurisdiction of any agency of the United States, including such portion thereof, if any, as may extend beyond the physical limits of the dam, shall constitute and remain a part of said dam and be maintained by the agency. Any such agency may enter into any such contracts and agreements with the State or its subdivisions respecting public use of any bridge so located and constructed as may be deemed appropriate, but no such bridge shall be closed to public use by the agency except in cases of emergency or when deemed necessary in the interest of national security.

(c) All costs and expenses incurred and expenditures made by any agency in the exercise of the powers and authority conferred by this section (but not including any costs, expenses, or expenditures which would have

reimbursing such agency the costs incurred by it in the design and construction of the bridge as provided in section 4 hereof. Any such agency is hereby authorized to convey to the State, or to the appropriate subdivision thereof, without cost, such easements and rights-of-way in its custody or over lands of the United States in its custody and control as may be necessary, convenient, or proper for the location, construction, and maintenance of the approach roads referred to in this section, including such roadside parks or recreational areas of limited size as may be deemed necessary for the accommodation of the traveling public. Any bridge constructed pursuant to this Act upon and across a dam in the custody and jurisdiction of any agency of the United States, including such portion thereof, if any, as may extend beyond the physical limits of the dam, shall constitute and remain a part of said dam and be maintained by the agency; *Provided, however*, That any such agency may enter into any such contracts and agreements with the State or its subdivisions respecting public use of any bridge so located and constructed as may be deemed appropriate, but no such bridge shall be closed to public use by the agency except in cases of emergency or when deemed necessary in the interest of national security.

*Act approved July 29, 1946 (60 Stat. 709), sec. 3*

All costs and expenses incurred and expenditures made by any agency in the exercise of the powers and authority conferred by this Act (but not including any costs, ex-



penses, or expenditures which would have been required in any event to satisfy a legal road or bridge relocation obligation or to meet operating or other agency needs) shall be recorded and kept separate and apart from the other costs, expenses, and expenditures of such agency, and no portion thereof shall be charged or allocated to flood control, navigation, irrigation, fertilizer production, the national defense, the development of power, or other program, purpose, or function of such agency.

*Act approved July 29, 1946 (60 Stat. 709), sec. 4*

Not to exceed \$10,000,000 of any money heretofore or hereafter appropriated for expenditure in accordance with the provisions of the Federal Highway Act (42 Stat. 212), as amended and supplemented, shall be available for expenditure by the Commissioner of Public Roads in accordance with the provisions of this Act, as an emergency fund, to reimburse any agency for any additional costs or expenditures which it may be required to incur because of the design and construction of any such dam so that it will constitute and serve as a foundation for a public highway bridge upon and across such dam and to reimburse any such agency for any costs, expenses, or expenditures which may be required to make in designing and constructing any such bridge upon and across a dam in accordance with the provisions of this Act, except such costs, expenses, or expenditures as would have been required of such agency in any event to satisfy a legal obligation to relocate a highway or bridge or to meet operating or other agency needs, and there is hereby authorized to be appropriated any sum or sums necessary to reimburse the funds so ex-

been required in any event to satisfy a legal road or bridge relocation obligation or to meet operating or other agency needs) shall be recorded and kept separate and apart from the other costs, expenses, and expenditures of such agency, and no portion thereof shall be charged or allocated to flood control, navigation, irrigation, fertilizer production, the national defense, the development of power, or other program, purpose, or function of such agency.

(d) Not to exceed \$10,000,000 of any money heretofore or hereafter appropriated for expenditure in accordance with the provisions of this Act or prior acts shall be available for expenditure by the Secretary in accordance with the provisions of this section, as an emergency fund, to reimburse any agency for any additional costs or expenditures which it may be required to incur because of the design and construction of any such dam so that it will constitute and serve as a foundation for a public highway bridge upon and across such dam and to reimburse any such agency for any costs, expenses, or expenditures which it may be required to make in designing and constructing any such bridge upon and across a dam in accordance with the provisions of this section, except such costs, expenses, or expenditures as would have been required of such agency in any event to satisfy a legal obligation to relocate a highway or bridge or to meet operating or other agency needs, and there is hereby authorized to be appropriated any sum or sums necessary to reimburse the funds so expended by the Secretary from time to time under the authority of this section. Of each bridge constructed upon and across a

dam under the provisions of this section, there may be financed wholly with Federal funds that portion thereof which is located within the physical limits of the masonry structure, or structures, of the dam, and the Secretary shall in his sole discretion determine what additional portion of the bridge, if any, may be so financed, such determination to be final and conclusive. The remainder of the bridge, and any necessary related approach roads, shall be financed by the State or its appropriate subdivision, with or without the aid of Federal funds; but said portion of the bridge so financed by the State or its subdivisions, including such portion thereof, if any, as may extend beyond the physical limits of the dam, shall nevertheless be designed and constructed solely by the agency having custody and jurisdiction of the dam as provided in subsection (a) of this section.

(e) In making, reviewing, or approving the design of any bridge or approach structure to be constructed under this section, the agency shall, in matters relating to roadway design, loadings, clearances and widths, and traffic safeguards, give full consideration to and be guided by the standards and advice of the Secretary.

pended by the Commissioner of Public Roads from time to time under the authority of this section. Of each bridge constructed upon and across a dam under the provisions of this Act, there may be financed wholly with Federal funds that portion thereof which is located within the physical limits of the masonry structure, or structures, of the dam, and the Commissioner of Public Roads shall in his sole discretion determine what additional portion of the bridge, if any, may be so financed, such determination to be final and conclusive. The remainder of the bridge, and any necessary related approach roads, shall be financed by the State or its appropriate subdivision, with or without the aid of Federal funds; but said portion of the bridge so financed by the State or its subdivisions, including such portion thereof, if any, as may extend beyond the physical limits of the dam, shall nevertheless be designed and constructed solely by the agency having custody and jurisdiction of the dam as provided in section 1 hereof.

*Act approved July 29, 1946 (60 Stat. 709), sec. 5*

In making, reviewing, or approving the design of any bridge or approach structure to be constructed under this Act the agency shall, in matters relating to roadway design loadings, clearances and widths, and traffic safeguards, give full consideration to and be guided by the standards and advice of the Public Roads Administration.

*Act approved July 29, 1946 (60 Stat. 709), sec. 6*

The authority conferred by this Act shall be in addition to and not in limitation of authority conferred upon any agency by any other law, and nothing in this Act contained shall affect or be deemed to relate to any bridge, approach structure, or highway constructed or to be constructed by any such agency in furtherance of its lawful purposes and requirements or to satisfy a legal obligation incurred independently of this Act.

(f) The authority conferred by this section shall be in addition to and not in limitation of authority conferred upon any agency by any other law, and nothing in this section contained shall affect or be deemed to relate to any bridge, approach structure or highway constructed or to be constructed by any such agency in furtherance of its lawful purposes and requirements or to satisfy a legal obligation incurred independently of this section.



TABLE SHOWING DISTRIBUTION AND PLACEMENT OF SECTIONS OF  
EXISTING LAW IN NEW TITLE 23

Existing law	Merged into, amended or repealed by—	New Title 23
Federal-Aid Road Act of July 11, 1916 (39 Stat. 355):		
Sec. 1.....	Secs. 6 and 9, 1921 Act.....	
Sec. 2.....	Sec. 5, 1919 Act; sec. 2, 1921 Act.....	
Sec. 3.....	Secs. 21 and 24, 1921 Act.....	
Sec. 4.....	Sec. 21, 1921 Act.....	
Sec. 5.....	Sec. 22, 1921 Act.....	
Sec. 6:		
Par. 1.....	Sec. 11, 1921 Act.....	121 (c)
Par. 2.....	Sec. 13, 1921 Act.....	
	Sec. 5, 1919 Act.....	
Par. 3.....	Sec. 12, 1921 Act.....	
Sec. 7.....	Sec. 13, 1921 Act.....	
Sec. 8.....	Sec. 14, 1921 Act.....	
Sec. 9.....	Sec. 23, 1921 Act.....	
Sec. 10.....		303 (b)
Sec. 18, 1921 Act.....		
Post Office Appropriation Act of Feb. 28, 1919 (40 Stat. 1200):		
Sec. 5.....	Sec. 2, 1921 Act.....	
	Sec. 4, par. 4, 1922 Act.....	
Sec. 6.....	Sec. 24, 1921 Act.....	
Sec. 7.....	Sec. 5, 1921 Act.....	
Sec. 8.....	Sec. 23, 1921 Act.....	
Federal Highway Act of Nov. 9, 1921 (42 Stat. 212):		
Sec. 2:		
Par. 1.....	Surplusage.....	
Par. 2.....		101 (a)
Par. 3.....	Sec. 4, Act of May 21, 1928.....	302 (a), 101 (a)
Par. 4.....		101 (a)
Par. 5.....	Sec. 1, 1943 Act.....	
Par. 6.....	Sec. 1, 1944 Act.....	
Par. 7.....		101 (a)
Par. 8.....		101 (a)
Sec. 3:		
Par. 1.....	Executed.....	
Par. 2.....	Sec. 1, Act of June 24, 1930.....	
Sec. 4.....	Act of Feb. 20, 1931.....	
	Budget and Accounting Procedures Act, 1950 (64 Stat. 832).	
Sec. 5.....	Executed.....	
Sec. 6:		
Par. 1.....		105 (c), 103 (b)
Par. 2.....	Act of Feb. 23, 1931.....	103 (b)
	Act of June 23, 1936.....	
Par. 3.....	Sec. 1 (b), 1938 Act.....	
Par. 5.....	Sec. 107, 1956 Act.....	121 (c)
Pars. 4 and 6.....		103 (e)
Par. 7.....	Sec. 4, 1944 Act.....	
Par. 8.....	Executed.....	
Sec. 7.....	Sec. 304, 1932 Act.....	
Sec. 8.....		110 (a)
		109 (a)
Sec. 9:	Sec. 2, Act of May 21, 1958.....	
Par. 1.....	Sec. 204 (g), National Industrial Recovery Act.....	301
Par. 2.....		109 (a)
Sec. 10.....	Obsolete.....	
Sec. 11:		
Par. 1.....		105 (a), 106 (a), 106 (c), 121 (d)
Par. 2.....		106 (a)
	Sec. 4, par. 4, 1922 Act.....	
	Sec. 1, Act of May 21, 1928.....	
Sec. 12.....		114 (a)
Sec. 13:		
Par. 1.....		121 (b)
Par. 2.....	Sec. 10, 1958 Act.....	121 (a)
Par. 3.....		121 (e)
Sec. 14.....	Sec. 6, 1950 Act.....	
Sec. 15.....	Executed.....	
Sec. 16.....		317
Sec. 17:		
Par. 1.....		318 (a)
Par. 2.....		318 (b)
Par. 3.....		318 (c)
Sec. 18.....		316
Sec. 19.....	Sec. 10, 1934 Act.....	

Table showing distribution and placement of sections of existing law in new Title 23—  
Continued

Existing law	Merged into, amended or repealed by—	New Title 23
<b>Federal Highway Act—Continued</b>		
Sec. 20.....	Executed.....	
Sec. 21:		
Par. 1.....	Sec. 6, 1948 Act.....	
Par. 2.....		104 (a)
Par. 3.....		104 (b) (1)
	Sec. 1, 1954 Act.....	
	Sec. 1, 1938 Act.....	
	Sec. 4 (d), 1944 Act.....	
Sec. 22.....		104 (e)
Sec. 23:		
(a):		
Par. 1.....	Sec. 2, 1936 Act.....	101 (a)
Par. 2.....	Sec. 103 (b), 1956 Act.....	205 (a)
(b).....	Sec. 3 (a), 1948 Act.....	101 (a), 204 (a)
(c).....		204 (b), 205 (b)
(d).....		204 (a), 205 (a)
		204 (c)
		205 (c)
Sec. 24.....	Sec. 3 (c), 1948 Act.....	
Post Office Appropriation Act of June 19, 1922 (42 Stat. 660):	Sec. 4, par. 5, 1922 Act.....	
Sec. 4:		
Par. 1.....	Sec. 1, 1925 Act.....	
Par. 2.....	Executed.....	
Par. 3.....		101 (a)
Par. 4.....		
Par. 5.....	Sec. 4, 1925 Act.....	
Par. 6.....	Sec. 3, Act of Apr. 4, 1930.....	
	Sec. 5, 1925 Act.....	
	Sec. 18, 1954 Act.....	
Act Extending Federal Aid to Hawaii, Mar. 10, 1924 (43 Stat. 17).	Act of Feb. 23, 1931.....	101 (a), 105 (e)
Amendment and Authorization of Feb. 12, 1925 (43 Stat. 889):		
Sec. 1.....	Sec. 1 (b), 1936 Act.....	
	Sec. 1, 1934 Act.....	
Sec. 2.....	Executed.....	
Sec. 3.....	Executed.....	
Sec. 4.....	Sec. 5 (a), 1944 Act.....	
Sec. 5.....	Sec. 3, 1926 Act.....	
Amendment and Authorization of June 22, 1926 (44 Stat. 760):		
Sec. 1.....	Executed.....	
Sec. 2.....	Sec. 2, 1936 Act.....	
Sec. 3.....	Executed.....	
Federal Aid for Toll Bridges Mar. 3, 1927 (44 Stat. 1398).		129 (a)
Amendment of May 21, 1928 (45 Stat. 683):		
Sec. 1.....	Unused.....	
Sec. 2.....	Sec. 1 (c), 1938 Act.....	
Sec. 3.....		103 (b)
Sec. 4.....	Sec. 13, 1934 Act.....	
Authorization of May 26, 1928 (45 Stat. 755, p. 750).	Executed.....	
Appropriations for Roads on Indian Reser- vations Authorized May 26, 1928 (45 Stat. 756, p. 750).	Sec. 4 (c), 1958 Act.....	208 (c)
Authorization and Amendment of Apr. 4, 1930 (46 Stat. 141):		
Sec. 1.....	Executed.....	
Sec. 2.....	Executed.....	
Sec. 3.....	Sec. 13, 1934 Act.....	
Authorization for Forest Roads and Amendment of May 5, 1930 (46 Stat. 261):		
Secs. 1, 2, and 3.....	Executed.....	
Amendment Relative to Construction of Roads through Public Lands and Fed- eral Reservations, June 24, 1930 (46 Stat. 805).	Sec. 7, 1940 Act.....	209 (b), 202 (c)
Amendment of Feb. 20, 1931 (46 Stat. 1173).		
Amendment of Feb. 23, 1931, Pertaining to Hawaii (46 Stat. 1415).	Sec. 8, 1950 Act.....	103 (g)
Emergency Relief and Construction Act of 1932 (47 Stat. 709):		
Sec. 304.....		103 (b)
National Industrial Recovery Act (48 Stat. 200):		
Sec. 204 (g).....		129 (a)

Table showing distribution and placement of sections of existing law in new Title 23—  
Continued

Existing law	Merged into, amended or repealed by—	New Title 23
Hayden-Cartwright Act, June 18, 1934 (48 Stat. 993):		
Sec. 1.....	Secs. 1 (b) and 7, 1936 Act.....	-----
Sec. 2.....	Executed.....	-----
Sec. 3.....	Sec. 4, 1938 Act.....	-----
Sec. 4:		
Par. 1.....	Executed.....	-----
Par. 2.....	Sec. 1 (a), 1936 Act.....	-----
Sec. 5.....	Executed.....	-----
Sec. 6.....	Executed.....	-----
Sec. 7.....	Executed.....	-----
Sec. 8.....	Executed.....	-----
Sec. 9.....	Sec. 1 (c), 1936 Act.....	-----
Sec. 10.....	Act of Aug. 7, 1946 (60 Stat. 866).....	-----
	Act of Aug. 30, 1954 (68 Stat. 996).....	-----
Sec. 11.....	Sec. 9, 1936 Act.....	-----
Sec. 12.....	Sec. 16, 1940 Act.....	126
Sec. 13.....	Executed.....	-----
Sec. 14.....	Executed.....	-----
Sec. 15.....	Executed.....	-----
Authorization and Amendment of June 16, 1936 (49 Stat. 1519):		
Sec. 1:		
(a).....	Sec. 1 (a), 1938 Act.....	-----
(b).....		104 (b), 105 (a), 118 (a), 106 (a), 114 (a), 118 (c)
	Sec. 2, 1944 Act.....	101 (a)
(c).....		-----
(d).....	Executed.....	-----
Sec. 2.....	Sec. 6, 1940 Act.....	-----
	Sec. 3, 1948 Act.....	-----
Sec. 3.....	Executed.....	-----
Sec. 4.....	Executed.....	-----
Sec. 5.....	Sec. 8, 1938 Act.....	-----
Sec. 6.....	Sec. 10, 1940 Act.....	-----
Sec. 7.....	Sec. 2, 1938 Act.....	109 (e)
Sec. 8.....		-----
Sec. 9.....	Sec. 3, 1938 Act.....	-----
Sec. 10.....	Sec. 10, 1938 Act.....	-----
	Act of Oct. 9, 1940.....	-----
	Sec. 2, Act of June 30, 1947.....	103 (b), 101 (a)
Act Extending Federal Aid to Puerto Rico, June 23, 1936 (49 Stat. 1891).		
The Federal-Aid Highway Act of 1938, June 8, 1938 (52 Stat. 633):		
Sec. 1:		
(a).....	Sec. 4 (d), 1944 Act.....	103 (b), 101 (a)
(b).....		-----
(c).....	Sec. 11, 1940 Act.....	-----
(d).....	Executed.....	101 (a)
(e).....		-----
Sec. 2.....	Sec. 2, 1940 Act.....	-----
Sec. 3.....	Sec. 5, 1940 Act.....	-----
Sec. 4.....	Sec. 7, 1943 Act.....	-----
Sec. 5.....	Sec. 6, 1940 Act.....	-----
Sec. 6.....	Executed.....	-----
Sec. 7.....	Executed.....	-----
Sec. 8.....	Sec. 9, 1940 Act.....	-----
Sec. 9.....	Executed.....	-----
Sec. 10.....	Sec. 2, Act of July 19, 1939.....	-----
Sec. 11.....	Sec. 16, 1940 Act.....	109 (a), 112 (a)
Sec. 12.....		-----
Sec. 13.....	Executed.....	-----
Aid in Freeing Toll Bridges in Federal-Aid System, July 19, 1939 (53 Stat. 1066):		
Sec. 1.....	Sec. 8, Act of July 13, 1943.....	-----
Sec. 2.....	Sec. 8, 1944 Act.....	-----
Federal Highway Act of 1940, Sept. 5, 1940 (54 Stat. 867):		
Sec. 1.....	Executed.....	-----
Sec. 2.....	Sec. 3 (b), 1944 Act.....	-----
Sec. 3.....	Executed.....	-----
Sec. 4.....	Executed.....	-----
Sec. 5.....	Sec. 5 (b), 1944 Act.....	-----
Sec. 6.....	Sec. 3 (a), 1948 Act.....	-----
	Sec. 9, 1944 Act.....	-----
Sec. 7.....	Sec. 10, 1950 Act.....	-----
Sec. 8.....	Sec. 4 (a), 1950 Act.....	207 (c)
Sec. 9.....		-----
Sec. 10.....	Sec. 4 (b), 1950 Act.....	-----
Sec. 11.....	Sec. 10 (c), 1944 Act.....	-----



Table showing distribution and placement of sections of existing law in new Title 23—  
Continued

Existing law	Merged into, amended or repealed by—	New Title 23
<b>Federal Highway Act—Continued</b>		
Sec. 12.....	(a) Executed.....	
	(b) Executed.....	
Sec. 13.....	Temporary Defense Measure—cf. sec. 8, 1941 Act.....	
Sec. 14.....	Sec. 10, 1954 Act.....	
Sec. 15.....	Ex. O 9805, etc.....	
Sec. 16.....		126 (b)
Sec. 17.....	Executed.....	
Sec. 18.....		311
Sec. 19.....		105 (d)
<b>Defense Highway Act of 1941, Nov. 19, 1941 (55 Stat. 765):</b>		
Sec. 1.....	} Obsolete—cf. sec. 7, 1944 Act.....	
Sec. 2.....		
Sec. 3.....	Executed.....	
Sec. 4.....	Sec. 2, 1943 Act.....	
Sec. 5.....		210 (a), 210 (b)
Sec. 6.....	Sec. 12, 1950 Act.....	
	Sec. 6, 1944 Act.....	
Sec. 7.....	Temporary War Measure.....	
Sec. 8.....	Obsolete—cf. sec. 7, 1944 Act.....	
Sec. 9.....	Sec. 6, 1943 Act.....	
Sec. 10.....		
Sec. 11.....	} Obsolete—cf. secs. 1, 2, 3, and 9.....	
Sec. 12.....		
Sec. 13.....	Sec. 5, 1944 Act.....	
Sec. 14.....		210 (e)
Sec. 15.....		308 (a)
Sec. 16.....		315
Sec. 17.....		312
<b>Amendment of July 2, 1942 (56 Stat. 562):</b>		
Sec. 1:		
(a).....	Executed.....	
(b).....		210 (a)
(c).....	Executed.....	
(d).....	Executed.....	
Sec. 2.....	Obsolete—cf. secs. 1, 2, 3, 9, 11, and 12, 1941 Act.....	
<b>Amendment of July 13, 1943 (57 Stat. 560):</b>		
Sec. 1.....	Sec. 1, 1944 Act.....	
Sec. 2.....	Executed.....	
Sec. 3.....	Executed.....	
Sec. 4.....	Executed.....	
Sec. 5.....	Executed.....	
Sec. 6.....	Executed.....	
Sec. 7:		
(a).....	Sec. 9, 1950 Act.....	
(b).....	Executed.....	
Sec. 8.....	Act of July 31, 1945.....	
Sec. 9.....	Executed.....	
<b>Amendment of Apr. 4, 1944 (58 Stat. 189):</b>	Executed.....	
<b>Federal-Aid Highway Act of 1944, Dec. 20, 1944 (58 Stat. 838):</b>		
Sec. 1:		
Par. 1.....		101 (a)
Par. 2.....		101 (a)
Par. 3.....		101 (a)
Par. 4.....		103 (c)
Sec. 2.....		110 (a), 106 (a), 109 (f)
Sec. 3:		
(a).....	Executed.....	
(b).....		103 (c), 104 (d)
(c).....	Executed.....	
Sec. 4:		
(a).....	Executed.....	
(b).....		104 (b) (2)
(c).....	Sec. 1, 1950.....	
(d).....		104 (b) (3)
	Act of June 21, 1947.....	
	Sec. 1, par. 4, 1948.....	
Sec. 5:		
(a).....		120 (a), 120 (d), 130 (a)
	Sec. 7, 1950 Act.....	
(b).....		130 (b), 130 (c)
Sec. 6.....	Sec. 110 (b), 1956 Act.....	
Sec. 7.....		103 (d)
Sec. 8.....		307 (c)
Sec. 9.....	Executed in part.....	
	Canceled in part sec. 3 (b), 1948 Act.....	

Table showing distribution and placement of sections of existing law in new Title 23—  
Continued

Existing law	Merged into, amended or repealed by—	New Title 23
Federal-Aid Highway Act of 1944, Dec. 20, 1944 (58 Stat. 838)—Continued		
Sec. 10:		
(a)-----	Executed-----	-----
(b)-----	Executed-----	-----
(c)-----	Sec. 4 (c), 1948-----	-----
Sec. 11-----		319
Sec. 12-----		109 (d)
Amendment of July 31, 1945 (39 Stat. 507) Act Relating to Design of Dams for Bridge Foundations, July 29, 1946 (60 Stat. 709).	Obsolete-----	-----
Amendment of June 21, 1947 (61 Stat. 136).		321
The Federal-Aid Highway Act of 1948, June 29, 1948 (62 Stat. 1105):		
Sec. 1:		
Par. 1-----	Executed-----	-----
Par. 2-----		103 (c)
Par. 3-----	Sec. 1, par. 3, 1950 Act-----	-----
Par. 4-----	Sec. 1, par. 4, 1950 Act-----	-----
Sec. 2-----	Executed-----	-----
Sec. 3:		
(a)-----	Sec. 3, 1950 Act-----	204 (c)
(b)-----	Executed-----	-----
(c)-----		205 (c)
Sec. 4:		
(a)-----	Executed-----	-----
(b)-----	Executed-----	-----
(c)-----	Sec. 4 (c), 1950 Act-----	-----
Sec. 5-----	Executed-----	-----
Sec. 6-----		104 (a)
The Federal-Aid Highway Act of 1950, Sept. 7, 1950 (64 Stat. 785):		
Sec. 1:		
Par. 1-----	Executed-----	-----
Par. 2-----		103 (c), 109 (c), 105 (b), 106 (b)
Par. 3-----		104 (b) (2)
Par. 4-----	Sec. 1, 1952 Act-----	-----
Sec. 2-----		302 (a), 302 (b), 101 (a)
Sec. 3-----		202 (a), 204 (d)
	Sec. 6, 1954 Act-----	-----
	Sec. 106, 1956 Act-----	-----
	Sec. 6, 1958 Act-----	-----
Sec. 4:		
(a)-----		206 (b)
(b)-----		207 (b)
(c)-----	Sec. 4 (c), 1952 Act-----	-----
Sec. 5-----		122
Sec. 6-----		116 (a), 116 (b), 116 (c)
Sec. 7-----		120 (a)
Sec. 8-----		120 (g)
Sec. 9-----	Act of Oct. 15, 1951-----	-----
	Sec. 7, 1952 Act-----	-----
Sec. 10-----		202 (c)
Sec. 11-----		212 (a) b
Sec. 12-----	Act of Oct. 16, 1951-----	-----
	Sec. 10, 1952 Act-----	-----
Sec. 13-----	Sec. 116 (c), 1956 Act-----	-----
Sec. 14-----	Sec. 9, 1952 Act-----	-----
Sec. 15-----	Executed-----	-----
Sec. 16-----	Sec. 1, Act of Aug. 3, 1956-----	-----
Public Law 175, Oct. 15, 1951 (65 Stat. 421).	Sec. 7, 1952 Act-----	-----
Public Law 177, Oct. 16, 1951 (65 Stat. 422).		210 (c)
The Federal-Aid Highway Act of 1952, June 25, 1952 (66 Stat. 158):		
Sec. 1:		
Par. 1-----		-----
Par. 2-----		-----
Par. 3-----	Sec. 1, par. 3, 1954 Act-----	-----
Par. 4-----	Sec. 1, par. 4, 1954 Act-----	-----
Sec. 2-----	Sec. 2, 1954 Act-----	-----
Sec. 3-----	Sec. 3, 1954 Act-----	-----
Sec. 4:		
(a)-----		-----
(b)-----		-----
(c)-----		-----
	Sec. 4 (c), 1954 Act-----	-----

Table showing distribution and placement of sections of existing law in new Title 23—  
Continued

Existing law	Merged into, amended or repealed by—	New Title 23
The Federal-Aid Highway Act—Con.		
Sec. 5:		
(a).....	Sec. 8, 1954 Act.....	213 (a)
(b).....		213 (b)
Sec. 6.....		
Sec. 7.....	Sec. 7, 1954 Act.....	
Sec. 8.....	Sec. 118, 1956 Act.....	
Sec. 9.....		313
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The Federal-Aid Highway Act of 1954, May 6, 1954 (68 Stat. 70):		
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Par. 3.....	Sec. 102 (a) (2), 1956 Act.....	
Par. 4.....	Sec. 102 (b), 1956 Act.....	
Sec. 2:		
(a).....	Sec. 108 (c), 1956 Act.....	104 (b) (4), 120 (b)
(b).....	Sec. 108 (f), 1956 Act.....	
(c).....	Sec. 108 (g), 1956 Act.....	
Sec. 3.....		
	Sec. 103 (a), 1956 Act.....	
Sec. 4:		
(a).....		
(b).....		
(c).....		
	Sec. 104 (c), 1956 Act.....	
Sec. 5.....		
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Sec. 7.....		212 (a)
Sec. 8.....		213 (c)
Sec. 9.....		310
Sec. 10:		
(a).....		307 (a)
(b).....		307 (b)
Sec. 11.....	Executed.....	
Sec. 12.....	Executed.....	
Sec. 13.....	Executed.....	
Sec. 14.....		
Sec. 15.....		101 (a)
Sec. 16.....		103 (c)
Sec. 17:		
(a).....		112 (b)
(b).....		112 (c)
Sec. 18.....	18 U. S. C. 1020.....	
Sec. 19.....	Surplusage.....	
Sec. 20.....	Surplusage.....	
Sec. 21.....	Surplusage.....	
Sec. 22.....		
The Federal-Aid Highway Act of 1956, June 29, 1956 (70 Stat. 374):		
Sec. 102:		
(a):		
(1).....		
(2).....	Sec. (a) (2), 1958 Act.....	
(b).....		118 (b), 117 (a), 117 (b)
	Sec. 1 (b), 1958 Act.....	117 (c) 104 (c)
(c).....		
Sec. 103:		
(a).....		204 (f) 205 (d) 202 (b)
	Sec. 3 (a), 1958 Act.....	
(b).....		
Sec. 104:		
(a).....	Sec. 4 (a), 1958 Act.....	206 (a)
(b).....	Sec. 4 (b), 1958 Act.....	207 (a)
(c).....		208 (a) 208 (b)
	Sec. 4 (c), 1958 Act.....	
Sec. 105.....	Sec. 5, 1958 Act.....	209 (a)
Sec. 106.....		203
	Sec. 6, 1958 Act.....	



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Continued

Existing law	Merged into, amended or repealed by—	New Title 23
The Federal-Aid Highway Act of 1956, June 29, 1956 (70 Stat. 374)—Con.		
Sec. 107:		
(a) -----		119 (a), 104 (b) (1), 120 (h), 103 (f), 116 (d)
(b) -----		119 (a)
(c) -----		
(d) -----		
(e) -----		119 (b)
Sec. 108:		
(a) -----		101 (b)
(b) -----	Sec. 7 (a), 1958 Act	
(c) -----		
(d) -----	Sec. 7 (b), 1958 Act	104 (b) (4)
(e) -----		104 (b) (5)
(f) -----		120 (c)
(g) -----		118 (c)
(h) -----		118 (c)
(i) -----		115
(j) -----		109 (b)
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(l) -----		
Sec. 109:		103 (d), 104 (b) (5)
(a) -----		107 (a)
(b) -----		107 (b)
(c) -----		107 (c)
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Sec. 110:		
(a) -----		108 (a), 108 (b)
(b) -----		124
Sec. 111:		
(a) -----	Sec. 11, 1958 Act	123 (a)
(b) -----		123 (b)
(c) -----		123 (c)
Sec. 112		111
Sec. 113:		
(a) -----		129 (b)
(b) -----		129 (c)
(c) -----		129 (d)
(d) -----		129 (d)
Sec. 114		
Sec. 115:		
(a) -----		113 (a)
(b) -----		113 (b)
Sec. 116:		
(a) -----		101 (b)
(b) -----		101 (b)
(c) -----		128 (a)
(d) -----	Sec. 13, 1958 Act	128 (b)
Sec. 117		304
Sec. 118		
Sec. 119		125
Sec. 120		101 (a)
Sec. 121		305
Sec. 122		306
Sec. 122	Sec. 12, 1958 Act	
The Act Creating a Federal Highway Administrator, Aug. 3, 1956 (70 Stat. 990):		
Sec. 1		
Sec. 2		303 (a)
Sec. 3		303 (a)
The Federal-Aid Highway Act of 1958, Apr. 16, 1958 (72 Stat. 89):		
Sec. 1:		
(a):		
(1) -----		
(2) -----		
(b) -----		118 (b), 117 (a), 117 (b), 117 (c)
Sec. 2		
Sec. 3:		
(a) -----		211, 204 (f), 205 (d), 202 (a)
(b) -----		

*Table showing distribution and placement of sections of existing law in new Title 23—*  
Continued

Existing law	Merged into, amended or repealed by—	New Title 23
The Federal-Aid Highway Act—Con.		
Sec. 4:		
(a).....	.....	206 (a)
(b).....	.....	207 (a)
(c).....	.....	208 (a)
Sec. 5.....	.....	209 (a)
Sec. 6.....	.....	203
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Sec. 8.....	.....	
Sec. 9.....	.....	
Sec. 10.....	.....	121 (a)
Sec. 11.....	.....	123 (a)
Sec. 12.....	.....	131
Sec. 13.....	.....	128 (a)











85TH CONGRESS  
2D SESSION

Union Calendar No. 761  
**H. R. 12776**  
[Report No. 1938]

IN THE HOUSE OF REPRESENTATIVES

JUNE 3, 1958

Mr. FALLON introduced the following bill ; which was referred to the Committee on the Judiciary

JUNE 4, 1958

The Committee on the Judiciary discharged, and referred to the Committee on Public Works

JUNE 19, 1958

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Omit the part printed in black brackets and insert the part printed in italic]

**A BILL**

To revise, codify, and enact into law, title 23 of the United States Code, entitled "Highways".

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the laws relating to highways are revised, codified, and reenacted as Title 23, United States Code, "Highways" and may be cited as "Title 23, United States Code, §—", as follows:

**TITLE 23—HIGHWAYS**

CHAPTER	Sec.
1. FEDERAL AID HIGHWAYS.....	101
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3. GENERAL PROVISIONS.....	301

**CHAPTER 1—FEDERAL-AID HIGHWAYS**

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101. Definitions and declaration of policy.
102. Authorizations.
103. Federal-aid systems.
104. Apportionment.
105. Programs.
106. Plans, specifications, and estimates.
107. Acquisition of rights-of-way—Interstate System.
108. Advance acquisition of rights-of-way.
109. Standards.
110. Project agreements.
111. Use of and access to rights-of-way—Interstate System.
112. Letting of contracts.
113. Prevailing rate of wage—Interstate System.
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## CHAPTER 1—FEDERAL-AID HIGHWAYS—Continued

Sec.

- 117. Secondary road responsibility.
- 118. Availability of sums apportioned.
- 119. Administration of Federal-aid for highways in Alaska.
- 120. Federal share payable.
- 121. Payment to States for construction.
- 122. Payment to States for bond retirement.
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- 124. Advances to States.
- 125. Emergency relief.
- 126. Diversion.
- 127. Vehicle weight and width limitations—Interstate System.
- 128. Public hearings.
- 129. Toll roads, bridges, and tunnels.
- 130. Railway-highway crossings.
- 131. Areas adjacent to the Interstate System.

### § 101. Definitions and declaration of policy

(a) **[DEFINITIONS.—]**As used in this title, unless the context requires otherwise—

The term “apportionment” in accordance with section 104 of this title includes unexpended apportionments made under prior acts.

The term “construction” means the supervising, inspecting, actual building, and all expenses incidental to the construction or reconstruction of a highway, including locating, surveying, and mapping (including the establishment of temporary and permanent geodetic markers in accordance with specifications of the Coast and Geodetic Survey in the Department of Commerce), costs of rights-of-way, and elimination of hazards of railway-grade crossings.

The term “county” includes corresponding units of government under any other name in States which do not have county organizations, and likewise in those States in which the county government does not have jurisdiction over highways it may be construed to mean any local government unit vested with jurisdiction over local highways.

The term “forest road or trail” means a road or trail wholly or partly within or adjacent to and serving the national forests.

The term “forest development roads and trails” means those forest roads or trails of primary importance for the protection, administration, and utilization of the national forests, or where necessary, for the use and development of the resources upon which communities within or adjacent to the national forests are dependent.

The term “forest highway” means a forest road which is of primary importance to the States, counties, or communities within, adjoining, or adjacent to the national forests.

The term “highway” includes roads, streets, and parkways, and also includes rights-of-way, bridges, railroad-highway crossings,

tunnels, drainage structures, signs, guardrails, and protective structures, in connection with highways. It further includes that portion of any interstate or international bridge or tunnel and the approaches thereto, the cost of which is assumed by a State highway department, including such facilities as may be required by the United States Customs and Immigration Services in connection with the operation of an international bridge or tunnel.

The term "Federal-aid highways" means highways located on one of the Federal-aid systems described in section 103 of this title.

The term "Indian reservation roads and bridges" means roads and bridges that are located within an Indian reservation or that provide access to an Indian reservation or Indian land, and that are jointly designated by the Secretary of the Interior and the Secretary as a part of the Indian Bureau road system.

The term "maintenance" means the preservation of the entire highway, including surface, shoulders, roadsides, structures, and such traffic-control devices as are necessary for its safe and efficient utilization.

The term "park roads and trails" means those roads or trails, including the necessary bridges, located in national parks or monuments, now or hereafter established, or in other areas administered by the National Park Service of the Department of the Interior (excluding parkways authorized by Acts of Congress) and also including approach roads to national parks or monuments authorized by the Act of January 31, 1931 (46 Stat. 1053), as amended.

The term "parkway" as used in **[chapter 3]** *chapter 2* of this title, means a parkway authorized by an Act of Congress on lands to which title is vested in the United States.

The term "project" means an undertaking to construct a particular portion of a highway, or if the context so implies, the particular portion of a highway so constructed.

The term "project agreement" means the formal instrument to be executed by the State highway department and the Secretary as required by the provisions of subsection (a) of section 110 of this title.

The term "public lands highways" means main highways through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations.

The term "rural areas" means all areas of a State not included in urban areas.

The term "Secretary" means Secretary of Commerce.

The term "State" means any one of the forty-eight States, the District of Columbia, Hawaii, Alaska, or Puerto Rico.

The term "State funds" includes funds raised under the authority of the State or any political or other subdivision thereof, and made available for expenditure under the direct control of the State highway department.

The term "State highway department" means that department, commission, board, or official of any State charged by its laws with the responsibility for highway construction.

The term "Federal-aid system" means any one of the Federal-aid highway systems described in section 103 of this title.

The term "Federal-aid primary system" means the Federal-aid highway system described in subsection (b) of section 103 of this title.

The term "Federal-aid secondary system" means the Federal-aid highway system described in subsection (c) of section 103 of this title.

The term "Interstate System" means the National System of Interstate and Defense Highways described in subsection (d) of section 103 of this title.

The term "urban area" means an area including and adjacent to a municipality or other urban place having a population of five thousand or more, as determined by the latest available Federal census, within boundaries to be fixed by a State highway department subject to the approval of the Secretary.

(b) **【DECLARATIONS OF POLICY.—】**It is hereby declared to be in the national interest to accelerate the construction of the Federal-aid highway systems, including the National System of Interstate and Defense Highways, since many of such highways, or portions thereof, are in fact inadequate to meet the needs of local and interstate commerce, the national and civil defense.

It is hereby declared that the prompt and early completion of the National System of Interstate and Defense Highways, so named because of its primary importance to the national defense and hereafter referred to as the "Interstate System", is essential to the national interest and is one of the most important objectives of this Act. It is the intent of Congress that the Interstate System be completed as nearly as practicable over the period of availability of the thirteen years' appropriations authorized for the purpose of expediting its construction, reconstruction, or improvement, inclusive of necessary tunnels and bridges, through the fiscal



year ending June 30, 1969, under section 108 (b) of the Federal-Aid Highway Act of 1956 (70 Stat. 374), and that the entire System in all States be brought to simultaneous completion. Insofar as possible in consonance with this objective, existing highways located on an interstate route shall be used to the extent that such use is practicable, suitable, and feasible, it being the intent that local needs, to the extent practicable, suitable, and feasible, shall be given equal consideration with the needs of interstate commerce.

## **§ 102. Authorizations**

The provisions of this title apply to all unappropriated authorizations contained in prior Acts, and also to all unexpended appropriations heretofore made, providing for the expenditure of Federal funds upon the Federal-aid systems. All such authorizations and appropriations shall continue in full force and effect, but hereafter obligations entered into and expenditures made pursuant thereto shall be subject to the provisions of this title.

## **§ 103. Federal-aid systems**

(a) For the purposes of this title, the three Federal-aid systems, the primary and secondary systems, and the Interstate System, are continued pursuant to the provisions of this section.

(b) The Federal-aid primary system shall consist of an adequate system of connected main highways, selected or designated by each State through its State highway department, subject to the approval of the Secretary as provided by subsection (c) of this section. This system shall not exceed 7 per centum of the total highway mileage of such State, exclusive of mileage within national forests, Indian, or other Federal reservations and within urban areas, as shown by the records of the State highway department on November 9, 1921. Whenever provision has been made by any State for the completion and maintenance of 90 per centum of its Federal-aid primary system, as originally designated, said State through its State highway department by and with the approval of the Secretary is authorized to increase the mileage of its Federal-aid primary system by additional mileage equal to not more than 1 per centum of the total mileage of said State as shown by the records on November 9, 1921. Thereafter, it may make like 1 per centum increases in the mileage of its Federal-aid primary system whenever provision has been made for the completion and maintenance of 90 per centum of the entire system, including the additional mileage previously authorized. This system may be located both in rural and urban areas. The mileage limitations in

this paragraph shall not apply to the District of Columbia, Hawaii, Alaska, or Puerto Rico.

(c) The Federal-aid secondary system shall be selected by the State highway departments and the appropriate local road officials in cooperation with each other, subject to approval by the Secretary as provided in subsection (e) of this section. In making such selections, farm-to-market roads, rural mail routes, public school bus routes, local rural roads, county roads, township roads, and roads of the county road class may be included, so long as they are not on the Federal-aid primary system or the Interstate System. This system shall be confined to rural areas, except (1) that in any State having a population density of more than two hundred per square mile as shown by the latest available Federal census, the system may include mileage in urban areas as well as rural, and (2) that the system may be extended into urban areas subject to the conditions that any such extension passes through the urban area or connects with another Federal-aid system within the urban area, and that Federal participation in projects on such extensions is limited to urban funds.

(d) The Interstate System shall be designated within the continental United States and it shall not exceed forty-one thousand miles in total extent. It shall be so located as to connect by routes, as direct as practicable, the principal metropolitan areas, cities, and industrial centers, to serve the national defense, and to connect at suitable border points with routes of continental importance in the Dominion of Canada and the Republic of Mexico. The routes of this system shall be selected by joint action of the State highway departments of each State and the adjoining States, subject to approval by the Secretary as provided in subsection (e) of this section. All highways or routes included in the Interstate System as finally approved, if not already coincident with the primary system, shall be added to said system without regard to the mileage limitation set forth in subsection (b) of this section. This system may be located both in rural and urban areas.

(e) The Secretary shall have authority to approve in whole or in part the Federal-aid primary system, the Federal-aid secondary system, and the Interstate System, as and when such systems or portions thereof are designated, or to require modifications or revisions thereof. No Federal-aid system or portion thereof shall be eligible for projects in which Federal funds participate until approved by the Secretary.

(f) The system or systems of roads in the Territory of Alaska on which Federal-aid funds may be expended under this [title] chapter

shall be determined and agreed upon by the Governor of Alaska, the Alaska Highway and Public Works Board, and the Secretary.

(g) The system of highways on which funds apportioned to the Territory of Hawaii under this chapter shall be expended may be determined and agreed upon by the Governor of said Territory and the Secretary.

#### § 104. Apportionment

(a) Whenever an apportionment is made of the sums authorized to be appropriated for expenditure upon the Federal-aid systems, the Secretary shall deduct a sum, in such amount not to exceed  $3\frac{3}{4}$  per centum of all sums so authorized, as the Secretary may deem necessary for administering the provisions of law to be financed from appropriations for the Federal-aid systems and for carrying on the research authorized by subsections (a) and (b) of section 307 of this title. In making such determination, the Secretary shall take into account the unexpended balance of any sums deducted for such purposes in prior years. The sum so deducted shall be available for expenditure from the unexpended balance of any appropriation made at any time for expenditure upon the Federal-aid systems, until such sum has been expended.

(b) On or before January 1 next preceding the commencement of each fiscal year, except as provided in paragraphs (4) and (5) of this subsection, the Secretary, after making the deduction authorized by subsection (a) of this section, shall apportion the remainder of the sums authorized to be appropriated for expenditure upon the Federal-aid systems for that fiscal year, among the several States in the following manner:

(1) For the Federal-aid primary system:

One-third in the ratio which the area of each State bears to the total area of all the States, except that only one-third of the area of Alaska shall be included; one-third in the ratio which the population of each State bears to the total population of all the States as shown by the latest available Federal census; one-third in the ratio which the mileage of rural delivery routes and star routes in each State bears to the total mileage of rural delivery and star routes in all the States at the close of the next preceding fiscal year, as shown by a certificate of the Postmaster General, which he is directed to make and furnish annually to the Secretary. No State shall receive less than one-half of 1 per centum of each year's apportionment.



(2) For the Federal-aid secondary system:

One-third in the ratio which the area of each State bears to the total area of all the States, except that only one-third of the area of Alaska shall be included; one-third in the ratio which the rural population of each State bears to the total rural population of all the States as shown by the latest available Federal census; and one-third in the ratio which the mileage of rural delivery and star routes, certified as above provided, in each State bears to the total mileage of rural delivery and star routes in all the States. No State shall receive less than one-half of 1 per centum of each year's apportionment.

(3) For extensions of the Federal-aid primary and Federal-aid secondary systems within urban areas:

In the ratio which the population in municipalities and other urban places, of five thousand or more, in each State bears to the total population in municipalities and other urban places of five thousand or more in all the States, as shown by the latest available Federal census. For the purpose of this paragraph, Connecticut and Vermont towns shall be considered municipalities regardless of their incorporated status.

(4) For the Interstate System, for the fiscal years ending June 30, 1957, June 30, 1958, and June 30, 1959:

One-half in the ratio which the population of each State bears to the total population of all the States as shown by the latest available Federal census, except that no States shall receive less than three-fourths of 1 per centum of the funds so apportioned; and one-half in the manner provided in paragraph (1) of this subsection. The sums authorized by section 108 (b) of the Federal-aid Highway Act of 1956 for the fiscal years ending June 30, 1958, and June 30, 1959, shall be apportioned on a date not less than six months and not more than twelve months in advance of the beginning of the fiscal year for which authorized.

(5) For the Interstate System for the fiscal years 1960 through 1969:

In the ratio which the estimated cost of completing the Interstate System in each State, as determined and approved in the manner provided in this paragraph, bears to the sum of the estimated cost of completing the Interstate System in all of the States. Each apportionment herein authorized for the fiscal years 1960 through 1969, inclusive, shall be made on a date as far in advance of the beginning of the fiscal year for which author-

ized as practicable but in no case more than eighteen months prior to the beginning of the fiscal year for which authorized. As soon as the standards provided for in subsection (b) of section 109 of this title have been adopted, the Secretary, in cooperation with the State highway departments, shall make a detailed estimate of the cost of completing the Interstate System as then designated, after taking into account all previous apportionments made under this section, based upon such standards and in accordance with rules and regulations adopted by him and applied uniformly to all of the States. The Secretary shall transmit such estimates to the Senate and the House of Representatives within ten days subsequent to January 2, 1958. Upon approval of such estimate by the Congress by concurrent resolution, the Secretary shall use such approved estimate in making apportionments for the fiscal years ending June 30, 1960, June 30, 1961, and June 30, 1962. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System, after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1962. Upon approval of such estimate by the Congress by concurrent resolution, the Secretary shall use such approved estimate in making apportionments for the fiscal years ending June 30, 1963, June 30, 1964, June 30, 1965, and June 30, 1966. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System, after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1966, and annually thereafter through and including January 2, 1968. Upon approval of any such estimate by the Congress by concurrent resolution, the Secretary shall use such approved estimate in making apportionments for the fiscal year which begins next following the fiscal year in which such report is transmitted to the Senate and the House of Representatives. Whenever the Secretary, pursuant to this subsection, requests and receives estimates of cost from the State highway departments, he shall furnish copies of such estimates at the same time to the Senate and the House of Representatives. In making the estimates of cost for completing the Interstate System as provided in



this paragraph, the cost of completing any mileage designated from the one thousand additional miles authorized by section 108 (1) of the Federal-Aid Highway Act of 1956 shall be excluded.

(c) Not more than 20 per centum of the amount apportioned in any fiscal year, commencing with the apportionment of funds authorized to be appropriated under subsection (a) of section 102 of the Federal-Aid Highway Act of 1956 (70 Stat 374), to each State in accordance with paragraphs (1), (2), or (3) of subsection (b) of this section may be transferred from the apportionment under one paragraph to the apportionment under any other of such paragraphs if such a transfer is requested by the State highway department and is approved by the Governor of such State and the Secretary as being in the public interest. The total of such transfers shall not increase the original apportionment under any of such paragraphs by more than 20 per centum. Nothing contained in this subsection shall alter or impair the authority contained in subsection (d) of this section.

(d) Any funds which are apportioned under paragraph (2) of subsection (b) of this section for the Federal-aid secondary system to a State in which all public roads and highways are under the control and supervision of the State highway department may, if the State highway department and the Secretary jointly agree that such funds are not needed for the Federal-aid secondary system, be expended for projects on another Federal-aid system.

(e) On or before January 1 preceding the commencement of each fiscal year, the Secretary shall certify to each of the State highway departments the sums which he has apportioned hereunder to each State for such fiscal year, and also the sums which he has deducted for administration and research pursuant to subsection (a) of this section.

### **§ 105. Programs**

(a) As soon as practicable after the apportionments for the Federal-aid systems have been made for any fiscal year, the State highway department of any State desiring to avail itself of the benefits of this chapter shall submit to the Secretary for his approval a program or programs of proposed projects for the utilization of the funds apportioned. The Secretary shall act upon programs submitted to him as soon as practicable after the same have been submitted. The Secretary may approve a program in whole or in part, but he shall not approve any project in a proposed program which is not located upon an approved Federal-aid system.



(b) In approving programs for projects on the Federal-aid secondary system, the Secretary shall require, except in States where all public roads and highways are under the control and supervision of the State highway department, that such project be selected by the State highway department and the appropriate local officials in cooperation with each other.

(c) In approving programs for projects on the Federal-aid primary system, the Secretary shall give preference to such projects as will expedite the completion of an adequate and connected system of highways interstate in character.

(d) In approving programs for projects under this chapter, the Secretary may give priority of approval to, and expedite the construction of, projects that are recommended as important to the national defense by the Secretary of Defense, or other official authorized by the President to make such recommendation.

(e) In approving programs in Hawaii, the Secretary shall give preference to such projects as will expedite the completion of highways for the national defense or which will connect seaports with units of the national parks.

#### **§ 106. Plans, specifications, and estimates**

(a) Except as provided in section 117 of this title, the State highway department shall submit to the Secretary for his approval, as soon as practicable after program approval, such surveys, plans, specifications, and estimates for each proposed project included in an approved program as the Secretary may require. The Secretary shall act upon such surveys, plans, specifications, and estimates as soon as practicable after the same have been submitted, and his approval of any such project shall be deemed a contractual obligation of the Federal Government for the payment of its proportional contribution thereto. In taking such action, the Secretary shall be guided by the provisions of section 109 of this title.

(b) In addition to the approval required under subsection (a) of this section, proposed specifications for projects for construction on the Federal-aid secondary system, except in States where all public roads and highways are under the control and supervision of the State highway department, shall be determined by the State highway department and the appropriate local officials in cooperation with each other.

(c) Items included in any such estimate for construction engineering shall not exceed 10 per centum of the total estimated cost of the

project, after excluding from such total estimated cost, the estimated costs of rights-of-way, preliminary engineering and construction engineering.

**§ 107. Acquisition of rights-of-way—Interstate System**

(a) **【Federal acquisition for States.—】**In any case in which the Secretary is requested by a State to acquire lands or interests in lands (including within the term “interests in lands”, the control of access thereto from adjoining lands) required by such State for right-of-way or other purposes in connection with the prosecution of any project for the construction, reconstruction, or improvement of any section of the Interstate System, the Secretary is authorized, in the name of the United States and prior to the approval of title by the Attorney General, to acquire, enter upon, and take possession of such lands or interests in lands by purchase, donation, condemnation, or otherwise in accordance with the laws of the United States (including the Act of February 26, 1931, 46 Stat. 1421), if—

(1) the Secretary has determined either that the State is unable to acquire necessary lands or interests in lands, or is unable to acquire such lands or interests in lands with sufficient promptness; and

(2) the State has agreed with the Secretary to pay, at such time as may be specified by the Secretary an amount equal to 10 per centum of the costs incurred by the Secretary, in acquiring such lands or interests in lands, or such lesser percentage which represents the State's pro rata share of project costs as determined in accordance with subsection (c) of section 120 of this title.

The authority granted by this section shall also apply to lands and interests in lands received as grants of land from the United States and owned or held by railroads or other corporations.

(b) **【Costs of acquisition.—】**The costs incurred by the Secretary in acquiring any such lands or interests in lands may include the cost of examination and abstract of title, certificate of title, advertising, and any fees incidental to such acquisition. All costs incurred by the Secretary in connection with the acquisition of any such lands or interests in lands shall be paid from the funds for construction, reconstruction, or improvement of the Interstate System apportioned to the State upon the request of which such lands or interests in lands are acquired, and any sums paid to the Secretary by such State as its share of the costs of acquisition of such lands or interests in lands shall be deposited in the Treasury to the credit of the appropriation



for Federal-aid highways and shall be credited to the amount apportioned to such State as its apportionment of funds for construction, reconstruction, or improvement of the Interstate System, or shall be deducted from other moneys due the State for reimbursement from funds authorized to be appropriated under section 108 (b) of the Federal-Aid Highway Act of 1956.

(c) **【Conveyance of acquired lands to the States.—】**The Secretary is further authorized and directed by proper deed, executed in the name of the United States, to convey any such lands or interests in lands acquired in any State under the provisions of this section, except the outside five feet of any such right-of-way in any State which does not provide control of access, to the State highway department of such State or such political subdivision thereof as its laws may provide, upon such terms and conditions as to such lands or interests in lands as may be agreed upon by the Secretary and the State highway department or political subdivisions to which the conveyance is to be made. Whenever the State makes provision for control of access satisfactory to the Secretary, the outside five feet then shall be conveyed to the State by the Secretary, as herein provided.

(d) **【Rights-of-way over public lands.—】**Whenever rights-of-way, including control of access, on the Interstate System are required over lands or interests in lands owned by the United States, the Secretary may make such arrangements with the agency having jurisdiction over such lands as may be necessary to give the State or other person constructing the projects on such lands adequate rights-of-way and control of access thereto from adjoining lands, and any such agency is directed to cooperate with the Secretary in this connection.

#### **§ 108. Advance acquisition of rights-of-way**

(a) For the purpose of facilitating the acquisition of rights-of-way on any of the Federal-aid highway systems, including the Interstate System, in the most expeditious and economical manner, and recognizing that the acquisition of rights-of-way requires lengthy planning and negotiations if it is to be done at a reasonable cost, the Secretary, upon the request of the State highway department, is authorized to make available the funds apportioned to any State for expenditure on any of the Federal-aid highway systems, including the Interstate System, for acquisition of rights-of-way, in anticipation of construction and under such rules and regulations as the Secretary may prescribe. The agreement between the Secretary and the State highway department for the reimbursement of the cost of such rights-of-way shall provide for the actual construction of a road on



such rights-of-way within a period not exceeding five years following the fiscal year in which such request is made.

(b) Federal participation in the cost of rights-of-way acquired under this section shall not exceed the Federal pro rata share applicable to the class of funds from which Federal reimbursement is made.

### **§ 109. Standards**

(a) The Secretary shall not approve plans and specifications for proposed projects on any Federal-aid system if they fail to provide for a facility (1) that will adequately meet the existing and probable future traffic needs and conditions in a manner conducive to safety, durability, and economy of maintenance; (2) that will be designed and constructed in accordance with standards best suited to accomplish the foregoing objectives and to conform to the particular needs of each locality.

(b) The geometric and construction standards to be adopted for the Interstate System shall be those approved by the Secretary in cooperation with the State highway departments. Such standards shall be adequate to accommodate the types and volumes of traffic forecast for the year 1975. The right-of-way width of the Interstate System shall be adequate to permit construction of projects on the Interstate System up to such standards. The Secretary shall apply such standards uniformly throughout the States.

(c) Projects on the Federal-aid secondary system in which Federal funds participate shall be constructed according to specifications that will provide all-weather service and permit maintenance at a reasonable cost.

(d) On any highway project in which Federal funds hereafter participate, or on any such project constructed since December 20, 1944, the location, form and character of informational, regulatory and warning signs, curb and pavement or other markings, and traffic signals installed or placed by any public authority or other agency, shall be subject to the approval of the State highway department with the concurrence of the Secretary, who is directed to concur only in such installations as will promote the safe and efficient utilization of the highways.

(e) No funds shall be approved for expenditure on any Federal-aid highway, or highway affected under **[chapter 3]** *chapter 2* of this title, unless proper safety protective devices complying with safety standards determined by the Secretary at that time as being adequate shall

be installed or be in operation at any highway and railroad grade crossing or drawbridge on that portion of the highway with respect to which such expenditures are to be made.

(f) The Secretary shall not, as a condition precedent to his approval under section 106 of this title, require any State to acquire title to, or control of, any marginal land along the proposed highway in addition to that reasonably necessary for road surfaces, median strips, gutters, ditches, and side slopes, and of sufficient width to provide service roads for adjacent property to permit safe access at controlled locations in order to expedite traffic, promote safety, and minimize roadside parking.

#### **§ 110. Project agreements**

(a) As soon as practicable after the plans, specifications, and estimates for a specific project have been approved, the Secretary shall enter into a formal project agreement with the State highway department concerning the construction and maintenance of such project. Such project agreement shall make provision for State funds required for the State's pro rata share of the cost of construction of such project and for the maintenance thereof after completion of construction.

(b) The Secretary may rely upon representations made by the State highway department with respect to the arrangements or agreements made by the State highway department and appropriate local officials where a part of the project is to be constructed at the expense of, or in cooperation with, local subdivisions of the State.

#### **§ 111. Agreements relating to use of and access to rights-of-way, Interstate System**

All agreements between the Secretary and the State highway department for the construction of projects on the Interstate System shall contain a clause providing that the State will not add any points of access to, or exit from, the project in addition to those approved by the Secretary in the plans for such project, without the prior approval of the Secretary. Such agreements shall also contain a clause providing that the State will not permit automotive service stations or other commercial establishments for serving motor vehicle users to be constructed or located on the rights-of-way of the Interstate System. Such agreements may, however, authorize a State or political subdivision thereof to use the airspace above and below the established grade line of the highway pavement for the parking of motor vehicles provided such use does not interfere in any way with the free flow of traffic on the Interstate System.

### § 112. Letting of contracts

(a) In all cases where the construction is to be performed by the State highway department or under its supervision, a request for submission of bids shall be made by advertisement unless some other method is approved by the Secretary. The Secretary shall require such plans and specifications and such methods of bidding as shall be effective in securing competition.

(b) Construction of each project, subject to the provisions of subsection (a) of this section, shall be performed by contract awarded by competitive bidding, unless the Secretary shall affirmatively find that, under the circumstances relating to such project, some other method is in the public interest. All such findings shall be reported promptly in writing to the Committees on Public Works of the Senate and the House of Representatives.

(c) The Secretary shall require as a condition precedent to his approval of each contract awarded by competitive bidding pursuant to subsection (b) of this section, and subject to the provisions of this section, a sworn statement, executed by, or on behalf of, the person, firm, association, or corporation to whom such contract is to be awarded, certifying that such person, firm, association, or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with such contract.

(d) No contract awarded by competitive bidding pursuant to subsection (b) of this section, and subject to the provisions of this section, shall be entered into by any State highway department or local subdivision of the State without compliance with the provisions of this section, and without the prior concurrence of the Secretary in the award thereof.

(e) The provisions of this section shall not be applicable to contracts for projects on the Federal-aid secondary system in those States where the Secretary has discharged his responsibility pursuant to section 117 of this title.

### § 113. Prevailing rate of wage—Interstate System

(a) **[Application of Davis-Bacon Act.—]**The Secretary shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors on the initial construction work performed on highway projects on the Interstate System authorized under section 108 (b) of the Federal-Aid Highway Act of 1956, shall be paid wages at rates not less than those prevailing on the same type of work on similar construction in the immediate



locality as determined by the Secretary of Labor in accordance with the Act of August 30, 1935, known as the Davis-Bacon Act (40 U. S. C., sec. 276 a).

(b) **【Consultation with State highway departments; predetermination of rates.—】**In carrying out the duties of subsection (a) of this section, the Secretary of Labor shall consult with the highway department of the State in which a project on the Interstate System is to be performed. After giving due regard to the information thus obtained, he shall make a predetermination of the minimum wages to be paid laborers and mechanics in accordance with the provisions of subsection (a) of this section which shall be set out in each project advertisement for bids and in each bid proposal form and shall be made a part of the contract covering the project.

#### **§ 114. Construction**

(a) The construction of any highways or portions of highways located on a Federal-aid system shall be undertaken by the respective State highway departments or under their direct supervision. Except as provided in section 117 of this title, such construction shall be subject to the inspection and approval of the Secretary. The construction work and labor in each State shall be performed under the direct supervision of the State highway department and in accordance with the laws of that State and applicable Federal laws. Construction may be begun as soon as funds are available for expenditure pursuant to subsection (a) of section 118 of this title.

(b) Convict labor shall not be used in such construction unless it is labor performed by convicts who are on parole or probation.

#### **§ 115. Construction by States in advance of apportionment— Interstate System**

(a) When a State has obligated all funds apportioned to it under **【subsection (b) (4) (5)】** *subsection (b) (4) and (5)* of section 104 of this title, and proceeds to construct any project without the aid of Federal funds, including one or more parts of any project, on the Interstate System as designated at that time, in accordance with all procedures and all requirements applicable to projects financed with Interstate System funds authorized to be appropriated under subsection (b) of section 108 of the Federal-Aid Highway Act of 1956, except insofar as such procedures and requirements limit a State to the construction of projects with the aid of Federal funds previously apportioned to it, the Secretary, upon application by such State and his approval of such application, is authorized to pay to such State the Federal share

of the costs of construction of such project when additional funds are apportioned to such State under [subsection (b) (4) (5)] *subsection (b) (4) and (5)* of section 104 of this title if:

(1) prior to the construction of the project the Secretary shall have approved the plans and specifications therefor in the same manner as other projects on the Interstate System, and

(2) the project shall conform to the standards adopted under subsection (b) of section 109 of this title.

(b) In determining the apportionment for any fiscal year under the provisions of subsection (b) (5) of section 104 of this title, any such project constructed by a State without the aid of Federal funds shall not be considered completed until an application under the provisions of this section with respect to such project has been approved by the Secretary.

#### § 116. Maintenance

(a) Except as provided in subsection (d) of this section, it shall be the duty of the State highway department to maintain, or cause to be maintained, any project constructed under the provisions of this chapter or constructed under the provisions of prior Acts. The State's obligation to the United States to maintain any such project shall cease when it no longer constitutes a part of a Federal-aid system.

(b) In any State wherein the State highway department is without legal authority to maintain a project constructed on the Federal-aid secondary system, or within a municipality, such highway department shall enter into a formal agreement for its maintenance with the appropriate officials of the county or municipality in which such project is located.

(c) If at any time the Secretary shall find that any project constructed under the provisions of this chapter, or constructed under the provisions of prior Acts, is not being properly maintained, he shall call such fact to the attention of the State highway department. If, within ninety days after receipt of such notice, such project has not been put in proper condition of maintenance, the Secretary shall withhold approval of further projects of all types in the entire State until such project shall have been put in proper condition of maintenance, unless such project is subject to an agreement pursuant to subsection (b) of this section, in which case approval shall be withheld only for secondary or urban projects in the county or municipality where such project is located.

(d) The Federal-aid funds apportioned to the Territory of Alaska and the funds contributed by the Territory under section 120 of this

title may be expended for the maintenance of roads within the system or systems of roads agreed upon under section 103 (f) of this title under the same terms and conditions as for the construction of such roads.

### **§ 117. Secondary road responsibility**

(a) The Secretary may, upon the request of any State highway department, discharge his responsibility relative to the plans, specifications, estimates, surveys, contract awards, design, inspection, and construction of all projects on the Federal-aid secondary system by his receiving and approving a certified statement by the State highway department setting forth that the plans, design, and construction for each such project are in accord with those standards and procedures which (1) were adopted by such State highway department, (2) were applicable to projects in this category, and (3) were approved by him.

(b) The Secretary shall not approve such standards and procedures unless they are in accordance with the provisions of subsection (b) of section 105, subsection (b) of section 106, and subsection (c) of section 109, of this title.

(c) Subsections (a) and (b) of this section shall not be construed to relieve the Secretary of his obligation to make a final inspection of each project after construction and to require an adequate showing of the estimated cost of construction and the actual cost of construction.

### **§ 118. Availability of sums apportioned**

(a) On and after the date that the Secretary has certified to each State highway department the sums apportioned to each Federal-aid system or part thereof pursuant to an authorization under this title, or under prior Acts, such sums shall be available for expenditure under the provisions of this title.

(b) Such sums shall continue available for expenditure in that State for the appropriate Federal-aid system or part thereof for a period of two years after the close of the fiscal year for which such sums are authorized and any amounts so apportioned remaining unexpended at the end of such period shall lapse, except that any amount apportioned to the States for the Interstate System under subsection (b) (4) and (5) of section 104 of this title remaining unexpended at the end of the period during which it is available under this section shall lapse and shall immediately be reapportioned among the other States in accordance with the provisions of subsection (b) (5) of section 104 of this title. Such sums for any fiscal year shall be deemed to be



expended if a sum equal to the total of the sums apportioned to the State for such fiscal year and previous fiscal years is covered by formal project agreements providing for the expenditure of funds authorized by each Act which contains provisions authorizing the appropriation of funds for Federal-aid highways. Any Federal-aid highway funds released by the payment of the final voucher or by the modification of the formal project agreement shall be credited to the same class of funds, primary, secondary, urban, or interstate, previously apportioned to the State and be immediately available for expenditure.

(c) The total payments to any State shall not at any time during a current fiscal year exceed the total of all apportionments to such State in accordance with section 104 of this title for such fiscal year and all preceding fiscal years.

### **§ 119. Administration of Federal aid for highways in Alaska**

(a) The Secretary shall administer the functions, duties, and authority pertaining to the construction, repair and maintenance of roads, tramways, ferries, bridges, trails, and other works in Alaska, conferred upon the Department of the Interior and, prior to September 16, 1956, administered by the Secretary of the Interior under the Act of June 30, 1932 (47 Stat. 446; 48 U. S. C., sec. 321a and following).

(b) The Secretary shall, by order or regulations, distribute the functions, duties, and authority required to be administered by him under subsection (a) of this section and appropriations pertaining thereto as he may deem proper to accomplish the economical and effective organization and administration thereof.

### **§ 120. Federal share payable**

(a) Subject to the provisions of subsections (d) and (h) of this section, the Federal share payable on account of any project, financed with primary, secondary, or urban funds, on the Federal-aid primary system and the Federal-aid secondary system shall not exceed 50 per centum of the cost of construction, except that in the case of any State containing unappropriated and unreserved public lands and non-taxable Indian lands, individual and tribal, exceeding 5 per centum of the total area of all lands therein, the Federal share shall be increased by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State, is of its total area.

(b) Subject to the provisions of subsection (d) of this section, the Federal share payable on account of any project, financed with interstate funds on the Interstate System, authorized to be appropriated prior to June 29, 1956, shall not exceed 60 per centum of the cost of

construction, except that in the case of any State containing unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, exceeding 5 per centum of the total area of all lands therein, the Federal share shall be increased by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State, is of its total area. The provisions of subsection (a) of this section shall apply to any project financed with funds authorized by the provisions of section 2 of the Federal-Aid Highway Act of 1952.

(c) Subject to the provisions of subsection (d) of this section, the Federal share payable on account of any project on the Interstate System provided for by funds made available under the provisions of section 108 (b) of the Federal-Aid Highway Act of 1956 shall be increased to 90 per centum of the total cost thereof, plus a percentage of the remaining 10 per centum of such cost in any State containing unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, exceeding 5 per centum of the total area of all lands therein, equal to the percentage that the area of such lands in such State is of its total area, except that such Federal share payable on any project in any State shall not exceed 95 per centum of the total cost of such project.

(d) The Federal share payable on account of any project for the elimination of hazards of railway-highway crossings, as more fully described and subject to the conditions and limitations set forth in section 130 of this title, may amount to 100 per centum of the cost of construction of such projects, except that not more than 50 per centum of the right-of-way and property damage costs, paid from public funds, on any such project, may be paid from sums apportioned in accordance with section 104 of this title. Not more than 10 per centum of all the sums apportioned for all the Federal-aid systems for any fiscal year in accordance with section 104 of this title shall be used under this subsection or under section 130 of this title.

(e) The Secretary may rely on a statement from the Secretary of the Interior as to the area of the lands referred to in subsections (a) and (b) of this section. The Secretary of the Interior is authorized and directed to provide such statement annually.

(f) The Federal share payable on account of any repair or reconstruction provided for by funds made available under section 125 of this title shall not exceed 50 per centum of the cost thereof.

(g) The Secretary is authorized to cooperate with the State highway departments and with the Department of the Interior in the



construction of Federal-aid highways within Indian reservations and national parks and monuments under the jurisdiction of the Department of the Interior and to pay the amount assumed therefor from the funds apportioned in accordance with section 104 of this title to the State wherein the reservations and national parks and monuments are located.

(h) The Territory of Alaska shall contribute funds each fiscal year in an amount that shall be not less than 10 per centum of the Federal funds apportioned to it for such fiscal year, such contribution to be deposited in a special account in the Federal Treasury for use in conjunction with the Federal funds apportioned to the Territory. The Federal funds apportioned to the Territory of Alaska and the funds contributed by the Territory may be expended by the Secretary either directly or in cooperation with the Alaska Highway and Public Works Board and may be so expended separately or in combination and without regard to the matching provisions of this chapter.

#### **§ 121. Payment to States for construction**

(a) The Secretary may, in his discretion, from time to time as the work progresses, make payments to a State for costs of construction incurred by it on a project. These payments shall at no time exceed the Federal share of the costs of construction incurred to the date of the voucher covering such payment plus the Federal share of the value of the materials which have been stockpiled in the vicinity of such construction in conformity to plans and specifications for the project.

(b) After completion of a project in accordance with the plans and specifications, and approval of the final voucher by the Secretary, a State shall be entitled to payment out of the appropriate sums apportioned to it of the unpaid balance of the Federal share payable on account of such project.

(c) No payment shall be made under this chapter, except for a project located on a Federal-aid system and covered by a project agreement. No final payment shall be made to a State for its costs of construction of a project until the completion of the construction has been approved by the Secretary following inspections pursuant to section 114 (a) of this title.

(d) In making payments pursuant to this section, the Secretary shall be bound by the limitations with respect to the permissible amounts of such payments contained in sections 120 and 130 of this title. Payments for construction engineering on any one project shall not exceed [the Federal share of 10 per centum] *10 per centum*



*of the Federal share* of the cost of construction of such project after excluding from the cost of construction the costs of rights-of-way, preliminary engineering, and construction engineering.

(e) Such payments shall be made to such official or officials or depository as may be designated by the State highway department and authorized under the laws of the State to receive public funds of the State.

## **§ 122. Payment to States for bond retirement**

Any State that shall use the proceeds of bonds issued by the State, county, city, or other political subdivision of the State for the construction of one or more projects on the Federal-aid primary or Interstate System, or extensions of any of the Federal-aid highway systems in urban areas, may claim payment of any portion of the sums apportioned to it for expenditure on such system to aid in the retirement of the principal of such bonds at their maturities, to the extent that the proceeds of such bonds have been actually expended in the construction of one or more of such projects. Such claim for payment may be made only when all of the provisions of this title have been complied with to the same extent and with the same effect as though payment were to be made to the State under section 121 of this title, instead of this section, and the Federal share payable shall not exceed the pro rata basis of payment authorized in section 120 of this title. This section shall not be construed as a commitment or obligation on the part of the United States to provide funds for the payment of the principal of any such bonds.

## **§ 123. Relocation of utility facilities**

(a) When a State shall pay for the cost of relocation of utility facilities necessitated by the construction of a project on the Federal-aid primary or secondary systems or on the Interstate System, including extensions thereof within urban areas, Federal funds may be used to reimburse the State for such cost in the same proportion as Federal funds are expended on the project. Federal funds shall not be used to reimburse the State under this section when the payment to the utility violates the law of the State or violates a legal contract between the utility and the State. Such reimbursement shall be made only after evidence satisfactory to the Secretary shall have been presented to him substantiating the fact that the State has paid such cost from its own funds with respect to Federal-aid highway projects for which Federal funds are obligated subsequent to April 16, 1958, for work, including relocation of utility facilities.

(b) The term "utility", for the purposes of this section, shall include publicly, privately, and cooperatively owned utilities.

(c) The term "cost of relocation", for the purposes of this section, shall include the entire amount paid by such utility properly attributable to such relocation after deducting therefrom any increase in the value of the new facility and any salvage value derived from the old facility.

#### **§ 124. Advances to States**

If the Secretary shall determine that it is necessary for the expeditious completion of projects on any of the Federal-aid systems, including the Interstate System, he may advance to any State out of any existing appropriations the Federal share of the cost of construction thereof to enable the State highway department to make prompt payments for acquisition of rights-of-way, and for the construction as it progresses. The sums so advanced shall be deposited in a special revolving trust fund, by the State official authorized under the laws of the State to receive Federal-aid highway funds, to be disbursed solely upon vouchers approved by the State highway department for rights-of-way which have been or are being acquired, and for construction which has been actually performed and approved by the Secretary pursuant to this chapter. Upon determination by the Secretary that any part of the funds advanced to any State under the provisions of this section are no longer required, the amount of the advance, which is determined to be in excess of current requirements of the State, shall be repaid upon his demand, and such repayments shall be returned to the credit of the appropriation from which the funds were advanced. Any sum advanced and not repaid on demand shall be deducted from sums due the State for the Federal pro rata share of the cost of construction of Federal-aid projects.

#### **§ 125. Emergency relief**

An emergency fund is authorized for expenditure by the Secretary in accordance with the provisions of this section. The Secretary may expend funds therefrom, after receipt of an application therefor from a State highway department, for the repair or reconstruction of highways and bridges on the Federal-aid highway systems, including the Interstate System, in accordance with the provisions of this chapter which he shall find have suffered serious damage as the result of disaster over a wide area, such as by floods, hurricanes, tidal waves, earthquakes, severe storms, landslides, or other catastrophes in any part of the United States. The appropriation of such moneys, not to

exceed \$30,000,000, as may be necessary for the initial establishment of this fund and for its replenishment on an annual basis is authorized. Pending such appropriation or replenishment, the Secretary may expend from existing Federal-aid highway appropriations, such sums as may be necessary for the immediate prosecution of the work herein authorized, such existing appropriations to be reimbursed from the appropriation hereinabove authorized when made. No funds shall be expended under the provisions of this section with respect to any such catastrophe in any State unless an emergency has been declared by the Governor of such State and concurred in by the Secretary.

### **§ 126. Diversion**

(a) Since it is unfair and unjust to tax motor-vehicle transportation unless the proceeds of such taxation are applied to the construction, improvement, or maintenance of highways, after June 30, 1935, Federal aid for highway construction shall be extended only to those States that use at least the amounts provided by law on June 18, 1934, for such purposes in each State from State motor vehicle registration fees, licenses, gasoline taxes, and other special taxes on motor-vehicle owners and operators of all kinds for the construction, improvement, and maintenance of highways and administrative expenses in connection therewith, including the retirement of bonds for the payment of which such revenues have been pledged, and for no other purposes, under such regulations as the Secretary of Commerce shall promulgate from time to time.

(b) In no case shall the provisions of this section operate to deprive any State of more than one-third of the entire apportionment authorized under this chapter to which that State would be entitled in any fiscal year. The amount of any reduction in a State's apportionment shall be reapportioned in the same manner as any other unexpended balance at the end of the period during which it otherwise would be available in accordance with section 104 (b) of this title.

### **§ 127. Vehicle weight and width [limitation] *limitations*—Interstate System**

No funds authorized to be appropriated for any fiscal year under section 108 (b) of the Federal-Aid Highway Act of 1956 shall be apportioned to any State within the boundaries of which the Interstate System may lawfully be used by vehicles with weight in excess of eighteen thousand pounds carried on any one axle, or with a tandem-axle weight in excess of thirty-two thousand pounds, or with an over-



all gross weight in excess of seventy-three thousand two hundred and eighty pounds, or with a width in excess of ninety-six inches, or the corresponding maximum weights or maximum widths permitted for vehicles using the public highways of such State under laws or regulations established by appropriate State authority in effect on July 1, 1956, whichever is the greater. Any amount which is withheld from apportionment to any State pursuant to the foregoing provisions shall lapse. This section shall not be construed to deny apportionment to any State allowing the operation within such State of any vehicles or combinations thereof that could be lawfully operated within such State on July 1, 1956.

#### **§ 128. Public hearings**

(a) Any State highway department which submits plans for a Federal-aid highway project involving the bypassing of, or going through, any city, town, or village, either incorporated or unincorporated, shall certify to the Secretary that it has had public hearings, or has afforded the opportunity for such hearings, and has considered the economic effects of such a location. Any State highway department which submits plans for an Interstate System project shall certify to the Secretary that it has had public hearings at a convenient location, or has afforded the opportunity for such hearings, for the purpose of enabling persons in rural areas through or contiguous to whose property the highway will pass to express any objections they may have to the proposed location of such highway.

(b) When hearings have been held under subsection (a), the State highway department shall submit a copy of the transcript of said hearings to the Secretary, together with the certification.

#### **§ 129. Toll roads, bridges and tunnels**

(a) **【Federal aid.—】**Notwithstanding the provisions of section 301 of this title, the Secretary may permit Federal participation, on the same basis and in the same manner as in the construction of free highways under this chapter, in the construction of any toll bridge, toll tunnel, or approach thereto, upon compliance with the conditions contained in this section. Such bridge, tunnel, or approach thereto, must be publicly owned and operated. Federal funds may participate in the approaches to a toll bridge or toll tunnel whether such bridge or tunnel is to be or has been constructed, or acquired, by the State or other public authority. The State highway department or departments must be a party or parties to an agreement with the Secretary whereby it or they undertake performance of the following obligations:

(1) all tolls received from the operation of the bridge or tunnel, less the actual cost of such operation and maintenance, shall be applied to the repayment to the State or other public authority of all of the costs of construction or acquisition of such bridge or tunnel, except that part which was contributed by the United States;

(2) no tolls shall be charged for the use of such bridge or tunnel after the State or other public authority shall have been so repaid; and

(3) after the date of final repayment, the bridge or tunnel shall be maintained and operated as a free bridge or free tunnel.

(b) **[Approval as part of Interstate System.—]** Upon a finding by the Secretary that such action will promote the development of an integrated Interstate System, the Secretary is authorized to approve as part of the Interstate System any toll road, bridge or tunnel, now or hereafter constructed which meets the standards adopted for the improvement of projects located on the Interstate System, when such toll road, bridge or tunnel is located on a route heretofore or hereafter designated as a part of the Interstate System. No Federal-aid highway funds shall be expended for the construction, reconstruction or improvement of any such toll road, except to the extent permitted by law after June 29, 1956. **[Nor]** *No* Federal-aid highway funds shall be expended for the construction, reconstruction or improvement of any such toll bridge or tunnel, except to the extent permitted by law on or after June 29, 1956.

(c) **[Approaches having other use.—]** Funds authorized under prior Acts for expenditure on any of the Federal-aid highway systems, including the Interstate System, shall be available for expenditure on projects approaching any toll road, bridge or tunnel to a point where such project will have some use irrespective of its use for such toll road, bridge or tunnel.

(d) **[Approaches having no other use.—]** Funds authorized for the Interstate System shall be available for expenditure on Interstate System projects approaching any toll road on the Interstate System, although the project has no use other than an approach to such toll road, if an agreement satisfactory to the Secretary has been reached with the State prior to the approval of such project—

(1) that the section of toll road will become free to the public upon the collection of tolls sufficient to liquidate the cost of the toll road or any bonds outstanding at the time constituting a valid lien against such section of toll road covered in the agree-

ment and their maintenance and operation and debt service during the period of toll collections, and

(2) that there is one or more reasonably satisfactory alternate free routes available to traffic by which the toll section of the system may be bypassed.

### § 130. Railway-highway crossings

(a) Except as provided in subsection (d) of section 120 of this title and subsection (b) of this section, the entire cost of construction of projects for the elimination of hazards of railway-highway crossings, including the separation or protection of grades at crossings, the reconstruction of existing railroad grade crossing structures, and the relocation of highways to eliminate grade crossings, may be paid from sums apportioned in accordance with section 104 of this title. In any case when the elimination of the hazards of a railway-highway crossing can be **[affected]** *effected* by the relocation of a portion of a railway at a cost estimated by the Secretary to be less than the cost of such elimination by one of the methods mentioned in the first sentence of this section, then the entire cost of such relocation project, except as provided in subsection (d) of section 120 of this title and subsection (b) of this section, may be paid from sums apportioned in accordance with section 104 of this title.

(b) The Secretary may classify the various types of projects involved in the elimination of hazards of railway-highway crossings, and may set for each such classification a percentage of the costs of construction which shall be deemed to represent the net benefit to the railroad for the purpose of determining the railroad's share of the cost of construction. The percentage so determined shall in no case exceed 10 per centum. The Secretary shall determine the appropriate classification of each project.

(c) Any railroad involved in a project for the elimination of hazards of railway-highway crossings paid for in whole or in part from sums made available for expenditure under this title, or prior Acts, shall be liable to the United States for the net benefit to the railroad determined under the classification of such project made pursuant to subsection (b) of this section. Such liability to the United States may be discharged by direct payment to the State highway department of the State in which the project is located, in which case such payment shall be credited to the cost of the project. Such payment may consist in whole or in part of materials and labor furnished by the railroad in connection with the construction of such



project. If any such railroad fails to discharge such liability within a six-month period after completion of the project, it shall be liable to the United States for its share of the cost, and the Secretary shall request the Attorney General to institute proceedings against such railroad for the recovery of the amount for which it is liable under this subsection. The Attorney General is authorized to bring such proceedings on behalf of the United States, in the appropriate district court of the United States, and the United States shall be entitled in such proceedings to recover such sums as it is considered and adjudged by the court that such railroad is liable for in the premises. Any amounts recovered by the United States under this subsection shall be credited to miscellaneous receipts.

### § 131. Areas adjacent to the Interstate System

(a) **【National policy.—】**To promote the safety, convenience, and enjoyment of public travel and the free flow of interstate commerce and to protect the public investment in the National System of Interstate and Defense Highways, it is declared to be in the public interest to encourage and assist the States to control the use of and to improve areas adjacent to the Interstate System by controlling the erection and maintenance of outdoor advertising signs, displays, and devices adjacent to that system. It is declared to be a national policy that the erection and maintenance of outdoor advertising signs, displays, or devices within six hundred and sixty feet of the edge of the right-of-way and visible from the main-traveled way of all portions of the Interstate System constructed upon any part of right-of-way, the entire width of which is acquired subsequent to July 1, 1956, should be regulated, consistent with national standards to be prepared and promulgated by the Secretary, which shall include only the following four types of signs, and no signs advertising illegal activities:

(1) Directional or other official signs or notices that are required or authorized by law.

(2) Signs advertising the sale or lease of the property upon which they are located.

(3) Signs erected or maintained pursuant to authorization or permitted under State law, and not inconsistent with the national policy and standards of this section, advertising activities being conducted at a location within twelve miles of the point at which such signs are located.

(4) Signs erected or maintained pursuant to authorization in State law and not inconsistent with the national policy and stand-

ards of this section, and designed to give information in the specific interest of the traveling public.

(b) **【Agreements.—】**The Secretary of Commerce is authorized to enter into agreements with State highway departments (including such supplementary agreements as may be necessary) to carry out the national policy set forth in subsection (a) of this section with respect to the Interstate System within the State. Any such agreement shall include provisions for regulation and control of the erection and maintenance of advertising signs, displays, and other advertising devices in conformity with the standards established in accordance with subsection (a) of this section and may include, among other things, provisions for preservation of natural beauty, prevention of erosion, landscaping, reforestation, development of viewpoints for scenic attractions that are accessible to the public without charge, and the erection of markers, signs, or plaques, and development of areas in appreciation of sites of historical significance. Upon application of the State, any such agreement may, within the discretion of the Secretary of Commerce, consistent with the national policy, provide for excluding from application of the national standards segments of the Interstate System which traverse incorporated municipalities wherein the use of real property adjacent to the Interstate System is subject to municipal regulation or control, or which traverse other areas where the land use is clearly established by State law as industrial or commercial**【: Provided, however, That】**, and any such segment excluded from the application of such standards shall not be considered in computing the increase of the Federal share payable on account thereof.

(c) **【Federal share.—】**Notwithstanding the provisions of section 109 of this title, if an agreement pursuant to this section has been entered into with any State prior to July 1, 1961, the Federal share payable on account of any project on the Interstate System within that State provided for by funds authorized under the provisions of section 108 (b) of the Federal-Aid Highway Act of 1956, as amended by section 8 of the Federal-Aid Highway Act of 1958, to which the national policy and the agreement apply, shall be increased by one-half of one per centum of the total cost thereof, not including any additional cost that may be incurred in the carrying out of the agreement**【: Provided, That the】**. The increase in the Federal share which is payable hereunder shall be paid only from appropriations from moneys in the Treasury not otherwise appropriated, which such appropriations are hereby authorized.

(d) **【Cooperation with other agencies.—】**Whenever any portion of the Interstate System is located upon or adjacent to any public lands or reservations of the United States, the Secretary of Commerce may make such arrangements and enter into such agreements with the agency having jurisdiction over such lands or reservations as may be necessary to carry out the national policy set forth in subsection (a) of this section, and any such agency is authorized and directed to cooperate fully with the Secretary of Commerce in this connection.

(e) **【Cost of acquisition of right to advertise or regulate advertising.—】**Whenever a State shall acquire by purchase or condemnation the right to advertise or regulate advertising in an area adjacent to the right-of-way of a project on the Interstate System for the purpose of implementing this section, the cost of such acquisition shall be considered as a part of the cost of construction of such project and Federal funds may be used to pay the Federal pro rata share of such cost**【: *Provided*, That reimbursement】**. *Reimbursement* to the State shall be made only with respect to that portion of such cost which does not exceed 5 per centum of the cost of the right-of-way for such project.

## CHAPTER 2—OTHER HIGHWAYS

Sec.

- 201. Authorizations.
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- 205. Forest development roads and trails.
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- 207. Parkways.
- 208. Indian reservation roads.
- 209. Public lands highways.
- 210. Defense access roads.
- 211. Timber access road hearings.
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- 213. Rama Road.

### § 201. Authorizations

The provisions of this title shall apply to all unappropriated authorizations contained in prior Acts, and also to all unexpended appropriations heretofore made, providing for the expenditure of Federal funds on the following classes of highways: Forest highways, forest development roads and trails, park roads and trails, parkways, Indian reservation roads, public lands highways, and defense access roads. All such authorizations and appropriations shall continue in full force and effect, but hereafter obligations entered into and expenditures made pursuant thereto shall be subject to the provisions of this title.



**§ 202. Apportionment or allocation**

(a) On or before January 1 next preceding the commencement of each fiscal year, the Secretary shall apportion the sums authorized to be appropriated for such fiscal year for forest highways in the several States, according to the area and value of the land owned by the United States within the national forests therein, which the Secretary of Agriculture is directed to determine and certify to the Secretary from such information, sources, and departments as the Secretary of Agriculture may deem most accurate.

(b) Sums authorized to be appropriated for forest development roads and trails shall be allocated by the Secretary of Agriculture according to the relative needs of the various national forests, taking into consideration the existing transportation facilities, value of timber or other resources served, relative fire danger, and comparative difficulties of road and trail construction.

(c) Sums authorized to be appropriated for public lands highways shall be allocated by the Secretary among those States having more than 5 per centum of their area in unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations, on the basis of need in such States, respectively, as determined by the Secretary upon application of the State highway departments of the respective States. Preference shall be given to those projects which are located on a Federal-aid system.

**§ 203. Availability of funds**

Funds now authorized for forest highways, forest development roads and trails, park roads and trails, parkways, Indian reservation roads, and public lands highways shall be available for contract upon apportionment, or a date not earlier than one year preceding the beginning of the fiscal year for which authorized if no apportionment is required. Any amount remaining unexpended for a period of two years after the close of the fiscal year for which authorized shall lapse. The Secretary of the Department charged with the administration of such funds is granted authority to incur obligations, approve projects, and enter into contracts under such authorizations and his action in doing so shall be deemed a contractual obligation of the United States for the payment of the cost thereof and such funds shall be deemed to have been expended when so obligated. Any funds heretofore or hereafter authorized for any fiscal year for forest highways, forest development roads and trails, park roads and trails, parkways, Indian roads, and public lands highways shall be deemed to have been expended if a sum equal to the total of the sums author-

ized for such fiscal year and previous fiscal years since and including the fiscal year ending June 30, 1955, shall have been obligated. Any of such funds released by payment of final voucher or modification of project authorizations shall be credited to the balance of unobligated authorizations and be immediately available for expenditure.

#### **§ 204. Forest highways**

(a) Funds available for forest highways shall be used by the Secretary to pay for the cost of construction and maintenance thereof. In connection therewith, the Secretary may enter into construction contracts and such other contracts with a State, or civil subdivision thereof as he deems advisable.

(b) Cooperation of States, counties, or other local subdivisions, may be accepted but shall not be required by the Secretary.

(c) Construction estimated to cost \$5,000 or more per mile, exclusive of bridges, shall be advertised and let to contract. If such estimated cost is less than \$5,000 per mile or if, after proper advertising, no acceptable bid is received or the bids are deemed excessive, the work may be done by the Secretary on his own account. For such purpose, the Secretary may purchase, lease, hire, rent, or otherwise obtain all necessary supplies, materials, tools, equipment, and facilities required to perform the work, and may pay wages, salaries, and other expenses for help employed in connection with such work.

(d) All appropriations for forest highways shall be administered in conformity with regulations jointly approved by the Secretary and the Secretary of Agriculture.

(e) The Secretary shall transfer to the Secretary of Agriculture from appropriations for forest highways such amounts as may be needed to cover necessary administrative expenses of the Forest Service in connection with the forest-highway program.

(f) Funds available for forest highways shall be available for adjacent vehicular parking areas and for sanitary, water, and fire control facilities.

#### **§ 205. Forest development roads and trails**

(a) Funds available for forest development roads and trails shall be used by the Secretary of Agriculture to pay for the cost of construction and maintenance thereof, including roads and trails, on experimental areas under Forest Service administration. In connection therewith, the Secretary of Agriculture may enter into construction contracts with a State or civil subdivision thereof, and issue such regulations as he deems advisable.

(b) Cooperation of States, counties, or other local subdivisions may be accepted but shall not be required by the Secretary of Agriculture.

(c) Construction estimated to cost \$10,000 or more per mile, exclusive of bridges, shall be advertised and let to contract. If such estimated cost is less than \$10,000 per mile or if, after proper advertising, no acceptable bid is received or the bids are deemed excessive, the work may be done by the Secretary of Agriculture on his own account. For such purpose, the Secretary of Agriculture may purchase, lease, hire, rent, or otherwise obtain all necessary supplies, materials, tools, equipment, and facilities required to perform the work, and may pay wages, salaries, and other expenses for help employed in connection with such work.

(d) Funds available for forest development roads and trails shall be available for adjacent vehicular parking areas and for sanitary, water, and fire control facilities.

#### **§ 206. Park roads and trails**

(a) Funds available for park roads and trails shall be used to pay for the cost of construction and improvement thereof.

(b) Appropriations for the construction and improvement of park roads shall be administered in conformity with regulations jointly approved by the Secretary and the Secretary of the Interior.

#### **§ 207. Parkways**

(a) Funds available for parkways shall be used to pay for the cost of construction and improvement thereof.

(b) Appropriations for the construction of parkways shall be administered in conformity with regulations jointly approved by the Secretary and the Secretary of the Interior.

(c) The location of parkways upon public lands, national forests, or other Federal reservations, shall be determined by agreement between the department having jurisdiction over such lands and the Secretary of the Interior.

#### **§ 208. Indian reservation roads**

(a) Funds available for Indian reservation roads and bridges shall be used to pay for the cost of construction and improvement thereof.

(b) The Secretary shall approve the location, type, and design of all projects for Indian reservation roads and bridges before any expenditures are made thereon and all construction thereof shall be under the general supervision of the Secretary.

(c) Indian labor may be employed in such construction and improvement under such rules and regulations as may be prescribed by the Secretary of the Interior.



**§ 209. Public lands highways**

(a) Funds available for public lands highways shall be used by the Secretary to pay for the cost of construction and maintenance thereof.

(b) The Secretary is authorized to cooperate with the State highway departments and with the Secretary of the Department having jurisdiction over the particular lands, in the survey, construction, and maintenance of public lands highways.

(c) The provisions of section 112 of this title are applicable to public lands highways.

**§ 210. Defense access roads**

(a) The Secretary is authorized, out of the funds appropriated for defense access roads, to provide for the construction and maintenance of defense access roads (including bridges, tubes, and tunnels thereon) to military reservations, to defense industries and defense industry sites, and to the sources of raw materials when such roads are certified to the Secretary as important to the national defense by the Secretary of Defense or such other official as the President may designate, and for replacing existing highways and highway connections that are shut off from the general public use by necessary closures or restrictions at military reservations and defense industry sites.

(b) Funds appropriated for the purposes of this section shall be available, without regard to apportionment among the several States, for paying all or any part of the cost of the construction and maintenance of defense access roads.

(c) Not exceeding \$5,000,000 of any funds appropriated under the Act approved October 16, 1951 (65 Stat. 422), may be used by the Secretary in areas certified to him by the Secretary of Defense as maneuver areas for such construction, maintenance, and repair work as may be necessary to keep the highways therein, which have been or may be used for training of the Armed Forces, in suitable condition for such training purposes and for repairing the damage caused to such highways by the operations of men and equipment in such training.

(d) Whenever any project for the construction of a circumferential highway around a city or of a radial intracity route thereto submitted by any State is certified by the Secretary of Defense, or such other official as the President may designate, as being important for civilian or military defense, such project may be constructed out of the funds heretofore or hereafter authorized to be appropriated for defense access roads.

(e) If the Secretary shall determine that the State highway department of any State is unable to obtain possession and the right to enter upon and use the required rights-of-way, lands, or interest in lands, improved or unimproved, required for any project authorized by this section with sufficient promptness, the Secretary is authorized to acquire, enter upon, take possession thereof, and expend funds for projects thereon, prior to approval of title by the Attorney General, in the name of the United States, such rights-of-way, lands, or interest in lands as may be required in such State for such projects by purchase, donation, condemnation, or otherwise in accordance with the laws of the United States (including the Act of February 26, 1931; 46 Stat. 1421). The cost incurred by the Secretary in acquiring any such rights-of-way, lands, or interest in lands may include the cost of examination and abstract of title, certificate of title, advertising, and any fees incidental to such acquisition; and shall be payable out of the funds available for paying the cost or the Federal share of the cost of the project for which such rights-of-way, lands, or interests in lands are acquired. The Secretary is further authorized and directed by proper deed executed in the name of the United States to convey any lands or interests in lands acquired in any State under the provisions of prior Acts or of this section to the State highway department of such State or to such political subdivision thereof as its laws may provide, upon such terms and conditions as may be agreed upon by the Secretary and the State highway department, or political subdivisions to which the conveyance is to be made.

(f) The provisions of section 112 of this title are applicable to defense access roads.

#### **§ 211. Timber access road hearings**

With respect to any proposed construction of a timber access road from funds authorized for carrying out the provisions of sections 204, 205, and 210 of this title, advisory public hearings may be held at a place of convenient or adjacent to the area of construction with notice and reasonable opportunity for interested persons to present their views as to the practicability and feasibility of such construction.

#### **§ 212. Inter-American Highway**

(a) Funds appropriated for the Inter-American Highway shall be used to enable the United States to cooperate with the Governments of the American Republics situated in Central America—that is, with the Governments of the Republic of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama—in the survey and con-

struction of the Inter-American Highway within the borders of the aforesaid Republics, respectively. Not to exceed one-third of the appropriation authorized for each fiscal year may be expended without requiring the country or countries in which such funds may be expended to match any part thereof, if the Secretary of State shall find that the cost of constructing said highway in such country or countries will be beyond their reasonable capacity to bear. The remainder of such authorized appropriations shall be available for expenditure only when matched to the extent required by this section by the country in which such expenditure may be made. Expenditures from the funds available on a matching basis shall not be made for the survey and construction of any portion of said highway within the borders of any country named herein unless such country shall provide and make available for expenditure in conjunction therewith a sum equal to at least one-third of the expenditures that may be incurred by that Government and the United States on such portion of the highway. All expenditures by the United States under the provisions of this section for material, equipment, and supplies shall, whenever practicable, be made for products of the United States or of the country in which such survey or construction work is being carried on. Construction work to be performed under contract shall be advertised for a reasonable period by the Minister of Public Works, or other similar official, of the government concerned in each of the participating countries and contracts shall be awarded pursuant to such advertisements with the approval of the Secretary. No part of the appropriations authorized shall be available for obligation or expenditure for work on said highway in any cooperating country unless the government of said country shall have assented to the provisions of this section; shall have furnished satisfactory assurances that it has an organization adequately qualified to administer the functions required of such country under the provisions hereof; and then only as such country may submit requests, from time to time, for the construction of any portion of the highway to standards adequate to meet present and future traffic needs. No part of said appropriations shall be available for obligation or expenditure in any such country until the government of that country shall have entered into an agreement with the United States which shall provide, in part, that said country—

- (1) will provide, without participation of funds authorized, all necessary rights-of-way for the construction of said highway, which rights-of-way shall be of a minimum width where prac-



licable of one hundred meters in rural areas and fifty meters in municipalities and shall forever be held inviolate as a part of the highway for public use;

(2) will not impose any highway toll, or permit any such toll to be charged, for use by vehicles or persons of any portion of said highway constructed under the provisions of this section;

(3) will not levy or assess, directly or indirectly, any fee, tax, or other charge for the use of said highway by vehicles or persons from the United States that does not apply equally to vehicles or persons of such country;

(4) will continue to grant reciprocal recognition of vehicle registration and drivers' licenses in accordance with the provisions of the Convention for the Regulation of Inter-American Automotive Traffic, which was opened for signature at the Pan American Union in Washington on December 15, 1943, and to which such country and the United States are parties, or of any other treaty or international convention establishing similar reciprocal recognition; and

(5) will provide for the maintenance of said highway after its completion in condition adequately to serve the needs of present and future traffic.

(b) The survey and construction work authorized by this section shall be under the administration of the Secretary, who shall consult with the appropriate officials of the Department of State with respect to matters involving the foreign relations of this Government, and such negotiations with the Governments of the American Republics named in subsection (a) of this section as may be required to carry out the purposes of this section shall be conducted through, or as authorized by, the Department of State.

(c) The provisions of this section shall not create nor authorize the creation of any obligations on the part of the Government of the United States with respect to any expenditures for highway construction or survey heretofore or hereafter undertaken in any of the countries enumerated in subsection (a) of this section, other than the expenditures authorized by the provisions of this section.

(d) Appropriations made pursuant to any authorizations heretofore, or hereafter enacted for the Inter-American Highway shall be considered available for expenditure by the Secretary for necessary administrative and engineering expenses in connection with the Inter-American Highway program.

### § 213. Rama Road

(a) Recognizing the mutual benefits that will accrue to the Republic of Nicaragua and to the United States from the completion of the road from San Benito to Rama in said Republic of Nicaragua, the construction of which road was begun and partially completed pursuant to an agreement between said Republic and the United States, the Secretary is authorized out of the funds appropriated for such purposes to provide for the construction of such road. Appropriations made for such purposes shall remain available until expended. No expenditure shall be made hereunder for the construction of said road until a request therefor shall have been received by the Secretary of State from the Government of the Republic of Nicaragua nor until an agreement shall have been entered into by said Republic with the the Secretary of State which shall provide, in part, that said Republic—

(1) will provide, without participation of funds authorized under this title, or under prior Acts, all necessary right-of-way for the construction of said highway, which right-of-way shall be of a minimum width, where practicable, of one hundred meters in rural areas and fifty meters in municipalities and shall forever be held inviolate as a part of the highway for public use;

(2) will not impose any highway toll, or permit any such toll to be charged for the use of said highway by vehicles or persons;

(3) will not levy or assess, directly or indirectly, any fee, tax, or other charge for the use of said road by vehicles or persons from the United States that does not apply equally to vehicles or persons of such Republic;

(4) will continue to grant reciprocal recognition of vehicle registration and drivers' licenses in accordance with the provisions of the Convention for the Regulation of Inter-American Automotive Traffic, which was opened for signature at the Pan American Union in Washington on December 15, 1943, and to which such Republic and the United States are parties; or any other treaty or international convention establishing similar reciprocal recognition; and

(5) will maintain said road after its completion in proper condition adequately to serve the [neds] *needs* of present and future traffic.

(b) The funds appropriated for such purposes shall be available for expenditure in accordance with the terms of this section for the

survey and construction of said road from San Benito to Rama in the Republic of Nicaragua without being matched by said Republic, and all expenditures made under the provisions of this section for materials, equipment, and supplies, shall, whenever practicable, be made for products of the United States or of the Republic of Nicaragua.

(c) The survey and construction work undertaken pursuant to this section shall be under the general supervision of the Secretary.

### CHAPTER 3. GENERAL PROVISIONS

Sec.

- 301. Freedom from tolls.
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- 309. Cooperation with other American Republics.
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- 311. Highway improvements strategically important to the national defense
- 312. Detail of Army, Navy, and Air Force officers.
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- 317. Consent by United States to conveyance of property.
- 318. Appropriation for highway purposes of lands or interests in lands owned  
by the United States.
- 319. Highway relocation due to airport.
- 320. Landscaping.
- 321. Bridges on Federal dams.

#### § 301. Freedom from tolls

Except as provided in section 129 of this title with respect to certain toll bridges and toll tunnels, all highways constructed under the provisions of this title shall be free from tolls of all kinds.

#### § 302. State highway department

(a) Any State desiring to avail itself of the provisions of this title shall have a State highway department which shall have adequate powers, and be suitably equipped and organized to discharge to the satisfaction of the Secretary the duties required by this title. Among other things, the organization shall include a secondary road unit.

(b) The State highway department may arrange with a county or group of counties for competent highway engineering personnel suitably organized and equipped to the satisfaction of the State highway department, to supervise construction and maintenance on a county-unit or group-unit basis, for the construction of projects on the Federal-aid secondary system, financed with secondary funds, and for the maintenance thereof.



### § 303. Bureau organization

(a) The Bureau of Public Roads shall be in the Department of Commerce as a primary unit administered by the Federal Highway Administrator, appointed by the President by and with the advice and consent of the Senate. The Administrator shall receive basic compensation at the rate prescribed by law for Assistant Secretaries of executive departments and shall perform such duties as the Secretary of Commerce may prescribe or as may be required by law. There shall be a Commissioner of Public Roads in the Bureau of Public Roads who shall be appointed by the Secretary and perform such duties as may be prescribed by the Federal Highway Administrator. The Commissioner of Public Roads shall receive basic compensation at the rate of \$17,500 per annum.

(b) The Secretary is authorized to employ such assistants, clerks, and other persons in the city of Washington and elsewhere, to be taken from the eligible lists of the Civil Service Commission, to rent buildings outside of the city of Washington, to purchase such supplies, material, equipment, office fixtures and apparatus, to advertise in the city of Washington for work to be performed in areas adjacent thereto, and to incur, and authorize the incurring of, such travel and other expenses as he may deem necessary for carrying out the functions under this title.

(c) The Secretary is authorized to procure temporary services in accordance with the provisions of section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), but at rates for individuals not in excess of **[\$100 diem.]** *\$100 per diem.*

### § 304. Participation by small business enterprises

It is declared to be in the national interest to encourage and develop the actual and potential capacity of small business and to utilize this important segment of our economy to the fullest practicable extent in construction of the Federal-aid highway systems, including the Interstate System. In order to carry out that intent and encourage full and free competition, the Secretary should assist, insofar as feasible, small business enterprises in obtaining contracts in connection with the prosecution of the highway program.

### § 305. Archeological and paleontological salvage

Funds authorized to be appropriated under the Federal-Aid Highway Act of 1956, to the extent approved as necessary by the highway department of any State, may be used for archeological and paleontological salvage in that State in compliance with the Act entitled "An

Act for the preservation of American antiquities", approved June 8, 1906 (34 Stat. 225), and State laws where applicable.

### **§ 306. Mapping**

In carrying out the provisions of this title, the Secretary may, wherever practicable, authorize the use of photogrammetric methods in mapping, and the utilization of commercial enterprise for such services.

### **§ 307. Research and planning**

(a) The Secretary is authorized in his discretion to engage in research on all phases of highway construction, modernization, development, design, maintenance, safety, financing, and traffic conditions, including the effect thereon of State laws and is authorized to test, develop, or assist in the testing and developing of any material, invention, patented article, or process. The Secretary may publish the results of such research. The Secretary may carry out the authority granted hereby, either independently, or in cooperation with any other branch of the Government, State agency, authority, association, institution, corporation (profit or nonprofit), or any other organization, or person. The funds required to carry out the provisions of this subsection shall be taken out of the administrative and research funds authorized by section 104 of this title and such funds as may be deposited in a special account with the Secretary of the Treasury for such purposes by any cooperating organization or person. The provisions of section 3709 of the Revised Statutes, as amended (41 U. S. C. 5), shall not be applicable to contracts or agreements made under the authority of this subsection.

(b) The Secretary shall include in the highway research program herein authorized studies of economic highway geometrics, structures, and desirable weight and size standards for vehicles using the public highways and of the feasibility of uniformity in State regulations with respect to such standards and he shall report from time to time to the Committees on Public Works of the Senate and of the House of Representatives on the progress and findings with respect to such studies.

(c) Not to exceed 1½ per centum of the sums apportioned for any year to any State under section 104 of this title shall be available for expenditure upon request of the State highway department, with the approval of the Secretary, with or without State funds, for engineering and economic surveys and investigations, for the planning of future highway programs and the financing thereof, for studies of the

economy, safety, and convenience of highway usage and the desirable regulation and equitable taxation thereof, and for research necessary in connection with the planning, design, construction, and maintenance of highways and highway systems, and the regulation and taxation of their use.

**§ 308. Cooperation with Federal and State agencies and foreign countries**

(a) The Secretary is authorized to perform by contract or otherwise, authorized engineering or other services in connection with the survey, construction, maintenance, or improvement of highways for other Government agencies, cooperating foreign countries, and State cooperating agencies, and reimbursement for such services, which may include depreciation on engineering and road-building equipment used, shall be credited to the appropriation concerned.

(b) Appropriations for the work of the Bureau of Public Roads shall be available for expenses of warehouse maintenance and the procurement, care, and handling of supplies, materials, and equipment for distribution to projects under the supervision of the Bureau of Public Roads, or for sale or distribution to other Government agencies, cooperating foreign countries, and State cooperating agencies, and the cost of such supplies and materials or the value of such equipment, including the cost of transportation and handling, may be reimbursed to current applicable appropriations.

**§ 309. Cooperation with other American Republics**

The President is authorized to utilize the services of the Bureau of Public Roads in fulfilling the obligations of the United States under the Convention on the Pan-American Highway Between the United States and Other American Republics (51 Stat. 152), cooperating with several governments, members of the Organization of American States, in connection with the survey and construction of the Inter-American Highway, and for performing engineering service in the other American Republics for and upon the request of any agency or governmental corporation of the United States. To the extent authorized in appropriation acts, administrative funds available in accordance with subsection (a) of section 104 of this title shall be available annually for the purpose of this section.

**§ 310. Civil defense**

In order to assure that adequate consideration is given to civil defense aspects in the planning and construction of highways constructed or reconstructed with the aid of Federal funds, the Secre-



tary of Commerce is authorized and directed to consult, from time to time, with the Federal Civil Defense Administrator relative to the civil defense aspects of highways so constructed or reconstructed.

**§ 311. Highway improvements strategically important to the national defense**

Funds made available under subsection (a) of section 104 of this title may be used to pay the entire engineering costs of the surveys, plans, specifications, estimates, and supervision of construction of projects for such urgent improvements of highways strategically important from the standpoint of the national defense as may be undertaken on the order of the Secretary and as the result of request of the Secretary of Defense or such other official as the President may designate. With the consent of a State, funds made available under subsection (b) of section 104 of this title may be used to the extent deemed necessary and advisable by the Secretary to carry out the provisions of this section.

**§ 312. Detail of Army, Navy, and Air Force officers**

The Secretary of Defense, upon request of the Secretary, is authorized to make temporary details to the Bureau of Public Roads of officers of the Army, the Navy, and the Air Force, without additional compensation, for technical advice and for consultation regarding highway needs for the national defense. Travel and subsistence expenses of officers so detailed shall be paid from appropriations available to the Department of Commerce on the same basis as authorized by law and by regulations of the Department of Defense for such officers.

**§ 313. Highway Safety Conference**

The Secretary is authorized and directed to assist in carrying out the action program of the President on highway safety, and to cooperate with the State highway departments and other agencies in this program to advance the cause of safety on highways. Not to exceed \$150,000 out of the administrative funds made available in accordance with subsection (a) of section 104 of this title may be expended annually for the purposes of this section.

**§ 314. Relief of employees in hazardous work**

The Secretary is authorized in an emergency to use appropriations to the Department of Commerce for carrying out the provisions of this title for medical supplies, services, and other assistance necessary for the immediate relief of employees of the Bureau of Public Roads engaged in hazardous work.

### **§ 315. Detail of employees as students**

During any fiscal year the Secretary is authorized in his discretion to detail not to exceed ten of the regularly employed personnel of the Bureau of Public Roads as students for limited periods at such technical institutions as will enable such personnel to acquire special knowledge which will better fit them for the lines of work to which they are assigned. No expense other than the salaries of such personnel and the cost of tuition and other regular fees required at such institutions shall be incurred by the Secretary under this section.

### **§ 316. Rules, regulations, and recommendations**

Except as provided in sections 204 (d), 205 (a), 206 (b), 207 (b), and 208 (c) of this title, the Secretary is authorized to prescribe and promulgate all needful rules and regulations for the carrying out of the provisions of this title. The Secretary may make such recommendations to the Congress and State highway departments as he deems necessary for preserving and protecting the highways and insuring the safety of traffic thereon.

### **§ 317. Consent by United States to conveyance of property**

For the purposes of this title the consent of the United States is given to any railroad or canal company to convey to the State highway department of any State, or its nominee, any part of its right-of-way or other property in that State acquired by grant from the United States.

### **§ 318. Appropriation for highway purposes of lands or interests in lands owned by the United States**

(a) If the Secretary **[determines]** *determines* that any part of the lands or interests in lands owned by the United States is reasonably necessary for the right-of-way of any highway, or as a source of materials for the construction or maintenance of any such highway adjacent to such lands or interests in lands, the Secretary shall file with the Secretary of the Department supervising the administration of such lands or interests in lands a map showing the portion of such lands or interests in lands which it is desired to appropriate.

(b) If within a period of four months after such filing, the Secretary of such Department shall not have certified to the Secretary that the proposed appropriation of such land or material is contrary to the public interest or inconsistent with the purposes for which such land or materials have been reserved, or shall have agreed to the appropriation and transfer under conditions which he deems necessary for the adequate protection and utilization of the reserve, then such land and materials may be appropriated and transferred to the State

highway department, or its nominee, for such purposes and subject to the conditions so specified.

(c) If at any time the need for any such lands or materials for such purposes shall no longer exist, notice of the fact shall be given by the State highway department to the Secretary and such lands or materials shall immediately revert to the control of the Secretary of the Department from which they had been appropriated.

(d) The provisions of this section shall apply only to projects constructed on a Federal-aid system or under the provisions of [chapter 3] *chapter 2* of this title.

### **§ 319. Highway relocation due to airport**

Federal highway funds shall not be used for the reconstruction or relocation of any highway giving access to an airport constructed or extended after December 20, 1944, or for the reconstruction or relocation of any highway which has been or may be closed or the usefulness of which has been or may be impaired by the location or construction of any airport constructed or extended after December 20, 1944, unless, prior to such construction or extension, as the case may be, the State highway department and the Secretary have concurred with the officials in charge of the airport that the location of such airport or extension thereof and the consequent reconstruction or relocation of the highway are in the public interest.

### **§ 320. Landscaping**

The construction of highways by the States with funds apportioned in accordance with section 104 of this title may include such roadside and landscape development, including such sanitary and other facilities as may be deemed reasonably necessary to provide for the suitable accommodation of the public, all within the highway right-of-way and adjacent publicly owned or controlled rest and recreational areas of limited size and with provision for convenient and safe access thereto by pedestrian and vehicular traffic, as may be approved by the Secretary. Such construction likewise may include the purchase of such adjacent strips of land of limited width and primary importance for the preservation of the natural beauty through which highways are constructed, as may be approved by the Secretary. Not to exceed 3 per centum of such sums, apportioned to a State in any fiscal year in accordance with section 104 of this title may be used by it for the purchase of such adjacent strips of land without being matched by such State.



**§ 321. Bridges on Federal dams**

(a) Each executive department, independent establishment, office, board, bureau, commission, authority, administration, corporation wholly owned or controlled by the United States, or other agency of the Government of the United States, hereinafter collectively and individually referred to as "agency", which on or after July 29, 1946, has jurisdiction over and custody of any dam constructed or to be constructed and owned by or for the United States, is authorized, with any funds available to it, to design and construct any such dam in such manner that it will constitute and serve as a suitable and adequate foundation to support a public highway bridge upon and across such dam, and to design and construct upon the foundation thus provided a public highway bridge upon and across such dam. The highway department of the State in which such dam shall be located, jointly with the Secretary, shall first determine and certify to such agency that such bridge is economically desirable and needed as a link in the State or Federal-aid highway systems, and shall request such agency to design and construct such dam so that it will serve as a suitable and adequate foundation for a public highway bridge and to design and construct such public highway bridge upon and across such dam, and shall agree to reimburse such agency pursuant to subsection (d) of this section for any additional costs which it may be required to incur because of the design and construction of such dam so that it will serve as a foundation for a public highway bridge and for expenditures which it may find it necessary to make in designing and constructing such public highway bridge upon and across such dam. In no case shall the design and construction of a bridge upon and across such dam be undertaken hereunder except by the agency having jurisdiction over and custody of the dam, acting directly or through contractors employed by it, and after such agency shall determine that it will be structurally feasible and will not interfere with the proper functioning and operation of the dam.

(b) Construction of any bridge upon and across any dam pursuant to this section shall not be commenced unless and until the State in which such bridge is to be located, or the appropriate subdivision of such State, shall enter into an agreement with such agency and with the Secretary to construct, or cause to be constructed, with or without the aid of Federal funds, the approach roads necessary to connect such bridge with existing public highways and to maintain, or cause to be maintained, such approach roads from and after their completion.

Such agreement may also provide for the design and construction of such bridge upon and across the dam by such agency of the United States and for reimbursing such agency the costs incurred by it in the design and construction of the bridge as provided in subsection (d) of this section. Any such agency is hereby authorized to convey to the State, or to the appropriate subdivision thereof, without costs, such easements and rights-of-way in its custody or over lands of the United States in its custody and control as may be necessary, convenient, or proper for the location, construction, and maintenance of the approach roads referred to in this section including such roadside parks or recreational areas of limited size as may be deemed necessary for the accommodation of the traveling public. Any bridge constructed pursuant to this section upon and across a dam in the custody and jurisdiction of any agency of the United States, including such portion thereof, if any, as may extend beyond the physical limits of the dam, shall constitute and remain a part of said dam and be maintained by the agency. Any such agency may enter into any such contracts and agreements with the State or its subdivisions respecting public use of any bridge so located and constructed as may be deemed appropriate, but no such bridge shall be closed to public use by the agency except in cases of emergency or when deemed necessary in the interest of national security.

(c) All costs and expenses incurred and expenditures made by any agency in the exercise of the powers and authority conferred by this section (but not including any costs, expenses, or expenditures which would have been required in any event to satisfy a legal road or bridge relocation obligation or to meet operating or other agency needs) shall be recorded and kept separate and apart from the other costs, expenses, and expenditures of such agency, and no portion thereof shall be charged or allocated to flood control, navigation, irrigation, fertilized production, the national defense, the development of power, or other program, purpose, or function of such agency.

(d) Not to exceed \$10,000,000 of any money heretofore or hereafter appropriated for expenditure in accordance with the provisions of this title or prior Acts shall be available for expenditure by the Secretary in accordance with the provisions of this section, as an emergency fund, to reimburse any agency for any additional costs or expenditures which it may be required to incur because of the

design and construction of any such dam so that it will constitute and serve as a foundation for a public highway bridge upon and across such dam and to reimburse any such agency for any costs, expenses, or expenditures which it may be required to make in designing and constructing any such bridge upon and across a dam in accordance with the provisions of this section, except such costs, expenses, or expenditures as would have been required of such agency in any event to satisfy a legal obligation to relocate a highway or bridge or to meet operating or other agency needs, and there is authorized to be appropriated any sum or sums necessary to reimburse the funds so expended by the Secretary from time to time under the authority of this section. Of each bridge constructed upon and across a dam under the provisions of this section, there may be financed wholly with Federal funds that portion thereof which is located within the physical limits of the masonry structure, or structures, of the dam, and the Secretary shall in his sole discretion determine what additional portion of the bridge, if any, may be so financed, such determination to be final and conclusive. The remainder of the bridge, and any necessary related approach roads, shall be financed by the State or its appropriate subdivision with or without the aid of Federal funds; but said portion of the bridge so financed by the State or its subdivisions, including such portion thereof, if any, as may extend beyond the physical limits of the dam, shall nevertheless be designed and constructed solely by the agency having custody and jurisdiction of the dam as provided in subsection (a) of this section.

(e) In making, reviewing, or approving the design of any bridge or approach structure to be constructed under this section, the agency shall, in matters relating to roadway design, loadings, clearances and widths, and traffic safeguards, give full consideration to and be guided by the standards and advice of the Secretary.

(f) The authority conferred by this section shall be in addition to and not in limitation of authority conferred upon any agency by any other law, and nothing in this section contained shall affect or be deemed to relate to any bridge, approach structure, or highway constructed or to be constructed by any such agency in furtherance of its lawful purposes and requirements or to satisfy a legal obligation incurred independently of this section.



#### REPEAL OF PRIOR ACTS

SEC. 2. The following Acts and portion of Acts cited by reference to the Statutes at Large, except for the provisions and sections hereinafter excepted, are hereby repealed:

1. Act of July 11, 1916 (39 Stat., ch. 241, page 355).
2. Sections 5, 6, 7, 8, and 9 of Act of February 28, 1919 (40 Stat., ch. 60, page 1189 at 1200-1202).
3. Act of November 9, 1921 (42 Stat., ch. 119, page 212).
4. Section 4 of Act of June 19, 1922 (42 Stat., ch. 227, page 652 at 660-661).
5. Section 1 of Act of March 10, 1924 (43 Stat., ch. 46, page 17).
6. Act of February 12, 1925 (43 Stat., ch. 219, page 889).
7. Act of June 22, 1926 (44 Stat., ch. 648, page 760).
8. Act of March 3, 1927 (44 Stat., ch. 370, page 1398).
9. Act of May 21, 1928 (45 Stat., ch. 660, page 683).
10. Act of May 26, 1928 (45 Stat., ch. 755, page 750).
11. Act of April 4, 1930 (46 Stat., ch. 105, page 141).
12. Act of May 5, 1930 (46 Stat., ch. 226, page 261).
13. Act of June 24, 1930 (46 Stat., ch. 593, page 805).
14. Act of February 20, 1931 (46 Stat., ch. 231, page 1173).
15. Act of February 23, 1931 (46 Stat., ch. 283, page 1415).
16. Section 304 of Act of July 21, 1932 (47 Stat., ch. 520, page 709 at 722).
17. Subsection (g) of section 204 of Act of June 16, 1933 (48 Stat., ch. 90, page 195 at 204).
18. Act of June 18, 1934 (48 Stat., ch. 586, page 993).
19. Act of June 16, 1936 (49 Stat., ch. 582, page 1519).
20. Act of June 23, 1936 (49 Stat., ch. 730, page 1891).
21. Act of June 8, 1938 (52 Stat., ch. 328, page 633), except the following provision: Section 4 thereof.
22. Act of July 19, 1939 (53 Stat., ch. 328, page 1066).
23. Act of September 5, 1940 (54 Stat., ch. 715, page 867).
24. Act of November 19, 1941 (55 Stat., ch. 474, page 765).
25. Act of July 2, 1942 (56 Stat., ch. 474, page 562).
26. Act of July 13, 1943 (57 Stat., ch. 236, page 560), except the following provision: Subsection (a) of section 7 thereof.

27. Act of April 4, 1944 (58 Stat., ch. 164, page 189).
28. Act of December 20, 1944 (58 Stat., ch. 626, page 838).
29. Act of July 31, 1945 (59 Stat., ch. 333, page 507).
30. Act of July 29, 1946 (60 Stat., ch. 694, page 709).
31. Act of June 21, 1947 (61 Stat., ch. 114, page 136).
32. Act of June 29, 1948 (62 Stat., ch. 732, page 1105).
33. Act of September 7, 1950 (64 Stat. 785).
34. Act of October 15, 1951 (65 Stat., ch. 501, page 421), except the following provision: Section 1 thereof.
35. Act of October 16, 1951 (65 Stat., ch. 507, page 422).
36. Act of June 25, 1952 (66 Stat., ch. 462, page 158), except the following provisions:
  - (a) The first two paragraphs of section 1;
  - (b) The first sentence of section 2;
  - (c) In section 3 in the first sentence the following words: "For the purpose of carrying out the provisions of section 23 of the Federal Highway Act (42 Stat. 218), as amended and supplemented, there is hereby authorized to be appropriated (1) for forest highways the sum of \$22,500,000 for the fiscal year ending June 30, 1954, and a like sum for the fiscal year ending June 30, 1955, and (2) for forest development roads and trails the sum of \$22,500,000 for the fiscal year ending June 30, 1955.";
  - (d) In subsection (a) of section 4 the following words: "For the construction, reconstruction, and improvement of roads and trails, inclusive of necessary bridges, in national parks, monuments, and other areas administered by the National Park Service, including areas authorized to be established as national parks and monuments, and national park and monument approach roads authorized by the Act of January 31, 1931 (46 Stat. 1053), as amended, there is hereby authorized to be appropriated the sum of \$10,000,000 for the fiscal year ending June 30, 1955.";
  - (e) Subsection (b) of section 4;
  - (f) In subsection (c) of section 4 the following words: "For the construction, improvement, and maintenance of Indian reservation roads and bridges and roads and bridges to provide access to Indian reservations and Indian lands under the provisions of the Act approved May 26, 1928 (45 Stat. 750), there is hereby authorized to be appropriated the sum of \$10,000,000 for the fiscal year ending June 30, 1955.";
  - (g) In the first sentence of section 5 the following words: "Recognizing the mutual benefits that will accrue to the Republic of Nica-

ragua and to the United States from the completion of the road from San Benito to Rama in said Republic of Nicaragua, the construction of which road was begun and partially completed pursuant to an agreement between said Republic and the United States, there is hereby authorized to be appropriated \$2,000,000 for the fiscal year ending June 30, 1954, for the construction of such road, to be available until expended.”;

(h) The first sentence of section 6;

(i) In section 8 the following words: “For the purpose of carrying out the provisions of section 10 of the Federal-Aid Highway Act of 1950 (64 Stat. 785), there is hereby authorized to be appropriated for the survey, construction, reconstruction, and maintenance of main roads through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations the sum of \$2,500,000 for the fiscal year ending June 30, 1955, to remain available until expended.”

(j) Section 10 to the first proviso.

37. Act of May 6, 1954 (68 Stat., ch. 181, page 70), except the following provisions:

(a) The first two paragraphs of section 1;

(b) The last five provisos of section 1;

(c) The first sentence of subsection (a) of section 2;

(d) The first sentence of section 3 to the word “*Provided*”;

(e) Section 4 to the word “*Provided*”;

(f) Section 5;

(g) The first sentence of section 7;

(h) Section 8 to the word “*Provided*”;

(i) Section 14;

(j) Section 18; and

(k) Section 22.

38. Title I of the Act of June 29, 1956 (70 Stat. 374), except the following provisions:

(a) Subsection (a) (1) (2) of section 102;

(b) The first sentence of section 103 (a) to the word “*Provided*”;

(c) Section 104 (a), section 104 (b) and section 104 (c), to the word “*Provided*”;

(d) Section 105;

(e) Subsections (b), (c) and (d) of section 107;

[(f) Section 108 (b) (c) ;]

(f) *Section 108 (b) and (c) ;*

(g) Section 108 (k) ;

(h) Section 114;



- (i) Section 117; and
- (j) The last proviso of section 118.

39. Sections 1 and 3 of the Act approved August 3, 1956 (70 Stat. 990).

40. Act of April 16, 1958 (72 Stat. 89) except the following provisions:

- (a) Subsection (a) (1) (2) of section 1;
- (b) Section 2;
- (c) The first sentence of section 3 (a) to the word "*Provided*" and the third, fourth and fifth provisos;
- (d) Subsection (b) of section 3;
- (e) Section 4 (a), section 4 (b) and section 4 (c) to the word "*Provided*";
- (f) Section 5;
- (g) Section 7;
- (h) Section 8; and
- (i) Section 9.

#### CONSTRUCTION

SEC. 3. (a) If any provision of title 23, as enacted by section 1 of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the title and the application of the provision to other persons or circumstances shall not be affected thereby.

(b) The provisions of this Act shall be subject to Reorganization Plan Numbered 5 of 1950 (64 Stat. 1263).

#### SAVINGS CLAUSE

SEC. 4. Any rights or liabilities now existing under prior Acts or portions thereof shall not be affected by the repeal of such prior Acts or portions under section 2 of this Act.

#### REPORT AND RECOMMENDATIONS

SEC. 5. The Secretary of Commerce is hereby directed to submit to the Congress not later than February 1, 1959, a report on the progress made in attaining the objectives set forth in section 101 of title 23, as enacted by section 1 of this Act, together with recommendations.







85TH CONGRESS  
2d Session

**H. R. 12776**

[Report No. 1938]

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**A BILL**

To revise, codify, and enact into law, title 23 of the United States Code, entitled "Highways".

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By Mr. FALCON

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JUNE 3, 1958

Referred to the Committee on the Judiciary

JUNE 4, 1958

The Committee on the Judiciary discharged, and referred to the Committee on Public Works

JUNE 19, 1958

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed







June 26, 1958

House

"The Director of the Bureau of the Budget also indicated that, as a general policy, the Bureau will not approve any new budget request for training authority to be included in appropriation acts in any year after the year in which this bill is enacted. This is in accordance with the purpose and intent of the bill and the policy of the committee.

"The matter of cost was given primary consideration throughout the committee deliberations in recognition of the importance of preventing in advance any mushrooming of costs or expansion of payrolls whenever approving a new program -- a matter in which the Congress always is directly concerned."

3. FOREIGN AID. Received a revised conference report on H. R. 12181, the mutual security authorization bill (H. Rept. 2038). (pp. 11109-118) See Digest 103 for items of interest to this Department.
4. CIVIL DEFENSE. Passed without amendment H. R. 12827, to extend the standby emergency authorities of FCDA until June 30, 1962. pp. 11121-122
5. TAXATION. Received the conference report on H. R. 12695, to extend for 1 year the corporate normal-tax rate and certain excise tax rates, and to repeal the tax on transportation. The Senate agreed to the report earlier. pp. 11145-146, 11221-223 (H. Rept. 2025)  
Reps. McCarthy and Saylor urged repeal of the tax on transportation. pp. 11177, 11180
6. TRAVEL EXPENSES. Passed under suspension of the rules H. R. 11133, to amend the Administrative Expenses Act so as to provide for the payment of travel costs for certain Federal personnel appointments to areas in which the CSC has determined there is a manpower shortage. pp. 11168-169
7. ROADS. Passed as reported H. R. 12776, to revise and codify title 23 of the U. S. Code, entitled "Highways." pp. 11169-170
8. PROPERTY. The Government Operations Committee reported without amendment H. R. 12165, to extend for 2 years the period for which payments in lieu of taxes may be made with respect to certain real property transferred by RFC and its subsidiaries to other Government Departments (H. Rept. 2024). p. 11184
9. TRANSPORTATION. H. R. 12832, the omnibus transportation bill, as reported by the Interstate and Foreign Commerce Committee (see Digest 100) freezes the so-called agricultural exemption from motor-carrier regulation by the Interstate Commerce Commission to the present list of exemptions, except for a roll-back on frozen fruits, frozen berries, frozen vegetables, coffee, tea, cocoa, hemp, wool imports, and certain categories of domestic wool (i.e., these articles would no longer be exempt). The committee report contains the following statement regarding this provision:  
"Regulated carriers are handicapped in their competition with non-regulated carriers for traffic in exempt agricultural commodities. The unregulated carriers are not subject to ICC operating authority, control, rate regulation, rules requiring equal treatment to shippers, areas and commodities, and rules requiring insurance and claims responsibility to which all regulated carriers are subjected. The nonregulated carriers can pick and choose whatever traffic they desire and establish their rates at whatever levels they wish without making them public and without considering whether the charges are reasonable or nondiscriminatory, as required by regulated carriers. As a consequence, large and ever-increasing

volumes of important agricultural commodities and seafood previously handled by regulated carriers, both rail and truck, have been diverted to the exempt truckers and the diversion continues. The impact upon the regulated carriers is already serious. The removal of further classes of traffic from the regulated category is threatened by the trend of administrative and judicial determinations, expanding the scope of the exemption.

"If the Supreme Court's 'continuing substantial identity' test continues to be applied literally by the courts, it is conceivable that a considerable number of other commodities will be held to be exempt, such as canned fruits and vegetables which are processed at large industrial plants rather than by farmers. It is important that this trend be halted before the position of the regulated carriers is more seriously impaired. The committee, therefore, recommends a freezing, with a slight rollback, of the agricultural exemption in accordance with ruling No. 107, March 19, 1958, Bureau of Motor Carriers of the Interstate Commerce Commission. This amendment would halt further expansion of the scope of the exemption, and it would return to economic regulation the transportation of frozen fruits, frozen berries, frozen vegetables, coffee, tea, cocoa, hemp, imported wool and certain categories of domestic wool. The transportation of cooked fish or shellfish, now subject to regulations is made exempt from such regulation. It is not intended that this exemption shall apply to fish or shellfish which have been treated for preserving such as canned, smoked, salted, pickled, spiced, corned or kippered products.

"Any person engaged on June 1, 1958, in trucking the aforementioned commodities which are returned to regulation by this amendment would be entitled upon application to a certificate or permit allowing him, under regulation, to continue hauling the same commodities within the same areas or between the same points."

10. FORESTRY. The Interior and Insular Affairs Committee reported without amendment H. R. 6038, to authorize transfers of land between the Sequoia National Forest and the Kings Canyon National Park. (H. Rept. 2032). p. 11184
11. TOBACCO. The Tobacco Subcommittee of the Agriculture Committee ordered reported H. R. 12840, to provide a single acreage allotment for Va. sun-cured and Va. fire-cured tobaccos if farmers vote approval in a referendum. p. D601
12. MINING. A subcommittee of the Interior and Insular Affairs Committee ordered reported with amendment S. 3199, to specify the period for doing annual assessment work on unpatented mineral claims. p. D602
13. WILDLIFE. A subcommittee of the Merchant Marine and Fisheries Committee ordered reported with amendments S. 2617, to authorize the purchase by the Secretary of the Interior of wetlands and small areas for migratory bird sanctuaries from funds collected from the sale of Migratory Bird hunting stamps, and S. 2447, to authorize studies by Interior of the effects of insecticides upon fish and wildlife. p. D602
14. MINERALS; WATER RESOURCES. Passed under suspension of the rules H. R. 11123, to authorize Interior to perform surveys, investigations, and research in geology, biology, minerals and water resources. pp. 11161-162
15. FOREIGN CONSTRUCTION. Received from the Government Operations Committee a report "pertaining to foreign-aid construction projects" (H. Rept. 2012). p. 11184



them a rough idea of what the job will be like. They have not been in a position where they could have the person visit the operation to get an insight into what his duties would be and what the challenge to his skills would be.

Likewise we find that in many cases highly qualified personnel have refused Government employment in which they had evidenced great interest because there was no provision for the Government to pay the moving expenses of themselves and their families to the sometimes distant location at which the Government installation was located.

If you will read the excellent report which the committee has prepared, you will find on pages 5 and 6 numerous instances detailed in which the Government has lost the services of valuable scientific and engineering personnel. Thirty-nine out of forty engineers we tried to recruit for the Redstone Arsenal, a most important missile center, were lost because the Government could not compete with private defense contractors in paying the moving expenses of a man and his family to the site. In the report on pages 4 and 5 you will find citations of the inducements industry, under contract to Government, offers scientific and engineering talent.

There are adequate safeguards built into this piece of legislation so that I do not believe it can be abused. The cost is very modest as such things go today. It has been estimated at a maximum of \$4½ million a year to recruit 4,000 engineers and scientists. It will place the Federal Government in a reasonable position where it can come somewhat closer to competing with industry for highly trained scientific and engineering personnel and talent than it is able to do today. It is very important to our whole program of defense and to our other Government research programs in the various agencies that legislation of this type be adopted at once.

(Mr. BROWNSON and Mr. FASCELL asked and were given permission to revise and extend their remarks.)

The SPEAKER pro tempore (Mr. DELANEY). The question is on suspending the rules and passing the bill.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

#### TITLE 23, UNITED STATES CODE, HIGHWAYS

Mr. FALLON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 12776) to revise, codify, and enact into law, title 23 of the United States Code, entitled "Highways."

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Maryland [Mr. FALLON]?

Mr. MCGREGOR. Mr. Speaker, reserving the right to object, and I will not do so, may we have the chairman of the subcommittee explain the proposal that is being presented and the reason for it being done in this way?

Mr. FALLON. Mr. Speaker, we are here under suspension, but I asked that the bill be considered by unanimous consent because if we do that the bill will not have to be printed in the Journal. The bill is such a lengthy one that the expense of printing in the Journal could be saved. It would cost thousands of dollars to do it.

Mr. MCGREGOR. I am certainly in accord with the reason for it being presented in this way and withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Maryland [Mr. FALLON]?

There was no objection.

The Clerk read the bill.

With the following committee amendments:

Page 3, in the paragraph defining the term "parkway" strike out "chapter 3" and insert "chapter 2."

Page 6, section 103 (f) is amended by striking out "title" and inserting in lieu thereof "chapter."

Page 14, section 109 (e) is amended by striking out "chapter 3" and inserting in lieu thereof "chapter 2."

Pages 17 and 18, section 115 (a) is amended by striking out "subsection (b) (4) (5)" each place it occurs and inserting in lieu thereof "subsection (b) (4) and (5)" at each such place.

Page 22, section 121 (d) strike out "the Federal share of 10 per centum" and insert in lieu thereof "10 per centum of the Federal share."

Page 25, the side heading of section 127 is amended by striking out "limitation" and inserting in lieu thereof "limitations."

Page 27, section 129 (b) is amended by striking out in the last sentence thereof "Nor" and inserting in lieu thereof "No."

Page 28, section 130 (a) is amended by striking out "affected" and inserting in lieu thereof "effected."

Page 30, section 131 (b) is amended by striking out "Provided, however, That" and inserting in lieu thereof a comma and the following: "and."

Page 30, section 131 (c) is amended by striking out "Provided, That the" and inserting in lieu thereof a period and the following: "The."

Page 31, section 131 (e) is amended by striking out "Provided, That reimbursement" and inserting in lieu thereof a period and the following: "Reimbursement."

Page 39, section 213 (a) (5) is amended by striking out "neds" and inserting in lieu thereof "needs."

Page 41, section 303 (c) is amended by striking out "\$100 diem" and inserting in lieu thereof "\$100 per diem."

Page 45, section 318 (a) is amended by striking out "determines" and inserting in lieu thereof "determines."

Page 46, section 318 (d) is amended by striking out "chapter 3" and inserting in lieu thereof "chapter 2."

Page 52, subparagraph (f) of paragraph 38 of section 2 is amended to read as follows: "(f) Section 108 (b) and (c)."

The committee amendments were agreed to.

Mr. GROSS. Mr. Speaker, will the gentleman give us a slight explanation of this bill?

Mr. FALLON. Mr. Speaker, H. R. 12776 is a bill which represents the culmination of many years of intensive work and study. Its purpose is to place into one clear and concise package all the Federal highway laws of the United

States that have been enacted since the first Federal Road Act in 1916.

The need for this type of legislation has become increasingly apparent over the last few years particularly since the enactment of the Federal-Aid Highway Act of 1956 and its immediate successor the Federal-Aid Highway Act of 1958. These two acts placed the road program of the United States in the billion-dollar category.

In 1951 the 82d Congress had before it a codification bill on which no action was taken. Then in 1954 the Congress saw fit to include in the Federal-Aid Highway Act of that year a proviso requiring the Secretary of Commerce to transmit to the Congress a suggested draft of a bill for the revision of the Federal-aid highway laws. In the 84th Congress further hearings were held on this legislation, but no action was taken. As a result of the hearings held on legislation which eventually became the tremendously important Federal-Aid Highway Act of 1956, this codification was further delayed. During this 2d session of the 85th Congress I had the privilege of introducing the bill which is now before this body today. Hearings on my bill were held by the Committee on Public Works. At that time the Bureau of Public Roads, the Department of Commerce and all other interested groups including the American Association of State Highway Officials, the American Road Builders, the American Automobile Association, and the American Bar Association recommended immediate enactment of this legislation.

This bill which appears before you today has been completely and carefully studied by leading highway organizations and their counsels; including the aforementioned organizations; the General Counsel and officials of the Bureau of Public Roads and the staff of the Public Works Committee. It revises, codifies, and enacts into law all the Federal-aid highway laws of the United States. It contains all of the existing Federal-aid highway laws in clear and concise language. It makes no substantive changes in the law but sets the laws up in an orderly and logical arrangement.

The need for this bill is apparent. It will be of tremendous help to Federal officials, State highway officials, and all those who day by day have to carry out the broad highway program of the Federal Government. It will reduce our current Federal highway-aid statutes to a single document that will be a clear and definitive guide for the States and the Bureau of Public Roads in their administration of the highway program. It will be a starting place from which to reference subsequent legislation.

I am happy to present this bill to the Congress today and cannot urge too strongly its approval by this body.

Mr. GROSS. Mr. Speaker, if the gentleman will yield, this is purely legislation to provide for codification.

Mr. FALLON. This is a restatement of the law put into one volume so that the people who have to work under it can work under one volume.



Mr. Speaker, I ask unanimous consent to dispense with the printing of the bill in the RECORD due to its excessive length.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

(Mr. FALLON asked and was given permission to revise and extend his remarks.)

(Mr. CRAMER (at the request of Mr. MCGREGOR) was given permission to extend his remarks at this point in the RECORD.)

Mr. CRAMER. Mr. Speaker, I join my colleagues on the Public Works Committee, as a member of the Roads Subcommittee that has jurisdiction over highway legislation, and also as a member of the Judiciary Committee and the subcommittee thereof having jurisdiction over the recodification of our laws, in supporting H. R. 12776, which authorizes a much-needed compilation of all existing legislation concerning highways. Heretofore various and sundry laws have been scattered all over the statute books and difficult to understand assimilate.

The act makes no change in existing substantive law but does revise existing law to clarify and reconcile certain provisions, consolidates similar provisions and omits superseded sections.

Since the enactment of the first Federal Aid Road Act of July 11, 1916, some 40 separate laws have been enacted and many well-accepted practices and procedures justify codification in the law, which is the objective of this bill.

Lengthy consideration has been given to this problem. The bill was considered by the Public Works Committee; the Judiciary Committee that has jurisdiction over recodification has been constantly consulted, and I understand that my subcommittee of the Judiciary Committee is in agreement with this bill.

I am glad that this rather arduous, time-consuming and painstaking task has been brought to a successful conclusion. As the result of our action the public will have easy access to the very complicated and numerous highway laws and will have conflicts between those laws resolved for the first time in this bill.

I am happy to have had a part in this effort which I am sure will prove most valuable.

#### ATOMIC ENERGY COMMISSION

Mr. PRICE. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 12457) to further amend Public Law 85-162 and Public Law 84-141, to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

The Clerk read as follows:

*Be it enacted, etc.,* That section 101 of Public Law 85-162, as amended, is further amended by striking therefrom the figure "\$257,230,000" and inserting in lieu thereof the figure "\$259,480,000."

SEC. 2. Section 101 (e) of Public Law 85-162 is amended by striking therefrom the figure "\$1,750,000" for project 58-e-6, project Sherwood plant, and substituting therefor the figure "\$10,000,000."

SEC. 3. Section 101 (c) of Public Law 84-141, as amended, is further amended by striking therefrom the figure "\$10,000,000" for project 56-c-1, particle accelerator program, and substituting therefor the figure "\$19,406,000."

The SPEAKER. Is a second demanded?

Mr. VAN ZANDT. Mr. Speaker, I demand a second.

The SPEAKER. Without objection a second will be considered as ordered.

There was no objection.

Mr. PRICE. Mr. Speaker, H. R. 12457 is a bill reported out unanimously by the Joint Committee on Atomic Energy to further amend Public Law 85-162 and Public Law 84-141 to increase the authorization for appropriations to the Atomic Energy Commission for two important programs. As chairman of the Research and Development Subcommittee of the Joint Committee, I would like to make a brief statement of explanation of this bill.

The first increase is in the amount of \$2,250,000 for the Project Sherwood plant, which involves research in the field of controlled thermonuclear reactions. Most of these funds will be used for new construction at Princeton University where the new model C stellerator is under construction.

The second increase is to provide an additional \$9,406,000 authorization for the particle accelerator program. These funds will be used to advance construction of high-energy accelerators now under construction at Cambridge, Mass., by a Harvard University-MIT team, and at Philadelphia, Pa., by a Princeton-University of Pennsylvania team.

Mr. Speaker, these bills were reported out unanimously by the Joint Committee and construction of these projects may be held up unless increased authorization can be granted as soon as possible.

The gentleman from Pennsylvania [Mr. VAN ZANDT], the ranking House minority member, and I have arranged with the leadership of the House on both sides to consider this bill under suspension of the rules. Because of the importance and the urgency of these projects, from the research and development point of view, and in view of the unanimous support of the members of the Joint Committee, I request that it be approved by the House.

Mr. VAN ZANDT. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I join my colleague the gentleman from Illinois [Mr. PRICE], the chairman of the Subcommittee on Research and Development of the Joint Committee, in urging prompt action by the House on H. R. 12457.

As stated by the gentleman from Illinois [Mr. PRICE], this bill provides increased authorization for two very important projects in our physical research program namely, the Project Sherwood plant at Princeton and the particle accelerator program.

I might point out, Mr. Speaker, that this Sherwood plant at Princeton, hous-

ing the so-called model C stellerator, will play a vital role in this country's efforts to achieve a true controlled thermonuclear reaction or tap a source of heat or energy comparable to that of the sun. The stellerator will be our first large-scale device in the Sherwood program and it is hoped that the machine will achieve temperatures sufficiently high to produce real thermonuclear neutrons. The temperatures required for such reactions reaches the astronomical range of 100,000,000 °.

The Joint Committee has been informed by the Atomic Energy Commission that prompt action on this legislation is most important to insure against delay in carrying out this most important project. In view of the rapid strides being taken by other nations, such as Great Britain and the Soviet Union, in harnessing the energy of the hydrogen atom, I believe it is imperative that we lend every possible support to our own research program in this field.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### SWITCHBLADE KNIVES

Mr. HARRIS. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 12850) to prohibit the introduction, or manufacture for introduction, into interstate commerce of switchblade knives, and for other purposes.

The Clerk read as follows:

*Be it enacted, etc.,* That as used in this act—

(a) The term "interstate commerce" means commerce between any State, Territory, possession of the United States, or the District of Columbia, and any place outside thereof.

(b) The term "switchblade knife" means any knife having a blade which opens automatically—

(1) by hand pressure applied to a button or other device in the handle of the knife, or

(2) by operation of inertia, gravity, or both.

SEC. 2. Whoever knowingly introduces, or manufactures for introduction, into interstate commerce, or transports or distributes in interstate commerce, any switchblade knife, shall be fined not more than \$2,000 or imprisoned not more than 5 years, or both.

SEC. 3. Whoever, within any Territory or possession of the United States, within Indian country (as defined in sec. 1151 of title 18 of the United States Code), or within the special maritime and territory jurisdiction of the United States (as defined in sec. 7 of title 18 of the United States Code), manufactures, sells, or possesses any switchblade knife, shall be fined not more than \$2,000 or imprisoned not more than 5 years, or both.

SEC. 4. Sections 2 and 3 of this act shall not apply to—

(1) any common carrier or contract carrier, with respect to any switchblade knife shipped, transported, or delivered for shipment in interstate commerce in the ordinary course of business;

(2) the manufacture, sale, transportation, distribution, possession, or introduction into







85TH CONGRESS  
2D SESSION

# H. R. 12776

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## IN THE SENATE OF THE UNITED STATES

JUNE 27 (legislative day, JUNE 24), 1958

Read twice and referred to the Committee on Public Works

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## AN ACT

To revise, codify, and enact into law, title 23 of the United States Code, entitled "Highways".

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the laws relating to highways are revised, codified, and reenacted as Title 23, United States Code, "Highways" and may be cited as "Title 23, United States Code, §—", as follows:

### TITLE 23—HIGHWAYS

CHAPTER	Sec.
1. FEDERAL AID HIGHWAYS.....	101
2. OTHER HIGHWAYS.....	201
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#### CHAPTER 1—FEDERAL-AID HIGHWAYS

Sec.
101. Definitions and declaration of policy.
102. Authorizations.
103. Federal-aid systems.
104. Apportionment.
105. Programs.
106. Plans, specifications, and estimates.
107. Acquisition of rights-of-way—Interstate System.
108. Advance acquisition of rights-of-way.
109. Standards.
110. Project agreements.
111. Use of and access to rights-of-way—Interstate System.
112. Letting of contracts.
113. Prevailing rate of wage—Interstate System.
114. Construction.
115. Construction by States in advance of apportionment—Interstate System.
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## CHAPTER 1—FEDERAL-AID HIGHWAYS—Continued

### Sec.

- 117. Secondary road responsibility.
- 118. Availability of sums apportioned.
- 119. Administration of Federal-aid for highways in Alaska.
- 120. Federal share payable.
- 121. Payment to States for construction.
- 122. Payment to States for bond retirement.
- 123. Relocation of utility facilities.
- 124. Advances to States.
- 125. Emergency relief.
- 126. Diversion.
- 127. Vehicle weight and width limitations—Interstate System.
- 128. Public hearings.
- 129. Toll roads, bridges, and tunnels.
- 130. Railway-highway crossings.
- 131. Areas adjacent to the Interstate System.

### § 101. Definitions and declaration of policy

(a) As used in this title, unless the context requires otherwise—

The term “apportionment” in accordance with section 104 of this title includes unexpended apportionments made under prior acts.

✓ The term “construction” means the supervising, inspecting, actual building, and all expenses incidental to the construction or reconstruction of a highway, including locating, surveying, and mapping (including the establishment of temporary and permanent geodetic markers in accordance with specifications of the Coast and Geodetic Survey in the Department of Commerce), costs of rights-of-way, and elimination of hazards of railway-grade crossings.

The term “county” includes corresponding units of government under any other name in States which do not have county organizations, and likewise in those States in which the county government does not have jurisdiction over highways it may be construed to mean any local government unit vested with jurisdiction over local highways.

✓ The term “forest road or trail” means a road or trail wholly or partly within or adjacent to and serving the national forests.

The term “forest development roads and trails” means those forest roads or trails of primary importance for the protection, administration, and utilization of the national forests, or where necessary, for the use and development of the resources upon which communities within or adjacent to the national forests are dependent.

✓ The term “forest highway” means a forest road which is of primary importance to the States, counties, or communities within, adjoining, or adjacent to the national forests.

✓ The term “highway” includes roads, streets, and parkways, and also includes rights-of-way, bridges, railroad-highway crossings,

tunnels, drainage structures, signs, guardrails, and protective structures, in connection with highways. It further includes that portion of any interstate or international bridge or tunnel and the approaches thereto, the cost of which is assumed by a State highway department, including such facilities as may be required by the United States Customs and Immigration Services in connection with the operation of an international bridge or tunnel.

The term "Federal-aid highways" means highways located on one of the Federal-aid systems described in section 103 of this title.

The term "Indian reservation roads and bridges" means roads and bridges that are located within an Indian reservation or that provide access to an Indian reservation or Indian land, and that are jointly designated by the Secretary of the Interior and the Secretary as a part of the Indian Bureau road system.

The term "maintenance" means the preservation of the entire highway, including surface, shoulders, roadsides, structures, and such traffic-control devices as are necessary for its safe and efficient utilization.

The term "park roads and trails" means those roads or trails, including the necessary bridges, located in national parks or monuments, now or hereafter established, or in other areas administered by the National Park Service of the Department of the Interior (excluding parkways authorized by Acts of Congress) and also including approach roads to national parks or monuments authorized by the Act of January 31, 1931 (46 Stat. 1053), as amended.

The term "parkway" as used in chapter 2 of this title, means a parkway authorized by an Act of Congress on lands to which title is vested in the United States.

The term "project" means an undertaking to construct a particular portion of a highway, or if the context so implies, the particular portion of a highway so constructed.

The term "project agreement" means the formal instrument to be executed by the State highway department and the Secretary as required by the provisions of subsection (a) of section 110 of this title.

The term "public lands highways" means main highways through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations.

The term "rural areas" means all areas of a State not included in urban areas.

The term "Secretary" means Secretary of Commerce.



The term "State" means any one of the forty-eight States, the District of Columbia, Hawaii, Alaska, or Puerto Rico.

The term "State funds" includes funds raised under the authority of the State or any political or other subdivision thereof, and made available for expenditure under the direct control of the State highway department.

The term "State highway department" means that department, commission, board, or official of any State charged by its laws with the responsibility for highway construction.

The term "Federal-aid system" means any one of the Federal-aid highway systems described in section 103 of this title.

The term "Federal-aid primary system" means the Federal-aid highway system described in subsection (b) of section 103 of this title.

The term "Federal-aid secondary system" means the Federal-aid highway system described in subsection (c) of section 103 of this title.

The term "Interstate System" means the National System of Interstate and Defense Highways described in subsection (d) of section 103 of this title.

The term "urban area" means an area including and adjacent to a municipality or other urban place having a population of five thousand or more, as determined by the latest available Federal census, within boundaries to be fixed by a State highway department subject to the approval of the Secretary.

(b) It is hereby declared to be in the national interest to accelerate the construction of the Federal-aid highway systems, including the National System of Interstate and Defense Highways, since many of such highways, or portions thereof, are in fact inadequate to meet the needs of local and interstate commerce, the national and civil defense.

It is hereby declared that the prompt and early completion of the National System of Interstate and Defense Highways, so named because of its primary importance to the national defense and hereafter referred to as the "Interstate System", is essential to the national interest and is one of the most important objectives of this Act. It is the intent of Congress that the Interstate System be completed as nearly as practicable over the period of availability of the thirteen years' appropriations authorized for the purpose of expediting its construction, reconstruction, or improvement, inclusive of necessary tunnels and bridges, through the fiscal

year ending June 30, 1969, under section 108 (b) of the Federal-Aid Highway Act of 1956 (70 Stat. 374), and that the entire System in all States be brought to simultaneous completion. Insofar as possible in consonance with this objective, existing highways located on an interstate route shall be used to the extent that such use is practicable, suitable, and feasible, it being the intent that local needs, to the extent practicable, suitable, and feasible, shall be given equal consideration with the needs of interstate commerce.

## **§ 102. Authorizations**

The provisions of this title apply to all unappropriated authorizations contained in prior Acts, and also to all unexpended appropriations heretofore made, providing for the expenditure of Federal funds upon the Federal-aid systems. All such authorizations and appropriations shall continue in full force and effect, but hereafter obligations entered into and expenditures made pursuant thereto shall be subject to the provisions of this title.

## **§ 103. Federal-aid systems**

(a) For the purposes of this title, the three Federal-aid systems, the primary and secondary systems, and the Interstate System, are continued pursuant to the provisions of this section.

(b) The Federal-aid primary system shall consist of an adequate system of connected main highways, selected or designated by each State through its State highway department, subject to the approval of the Secretary as provided by subsection (e) of this section. This system shall not exceed 7 per centum of the total highway mileage of such State, exclusive of mileage within national forests, Indian, or other Federal reservations and within urban areas, as shown by the records of the State highway department on November 9, 1921. Whenever provision has been made by any State for the completion and maintenance of 90 per centum of its Federal-aid primary system, as originally designated, said State through its State highway department by and with the approval of the Secretary is authorized to increase the mileage of its Federal-aid primary system by additional mileage equal to not more than 1 per centum of the total mileage of said State as shown by the records on November 9, 1921. Thereafter, it may make like 1 per centum increases in the mileage of its Federal-aid primary system whenever provision has been made for the completion and maintenance of 90 per centum of the entire system, including the additional mileage previously authorized. This system may be located both in rural and urban areas. The mileage limitations in



this paragraph shall not apply to the District of Columbia, Hawaii, Alaska, or Puerto Rico.

(c) The Federal-aid secondary system shall be selected by the State highway departments and the appropriate local road officials in co-operation with each other, subject to approval by the Secretary as provided in subsection (e) of this section. In making such selections, farm-to-market roads, rural mail routes, public school bus routes, local rural roads, county roads, township roads, and roads of the county road class may be included, so long as they are not on the Federal-aid primary system or the Interstate System. This system shall be confined to rural areas, except (1) that in any State having a population density of more than two hundred per square mile as shown by the latest available Federal census, the system may include mileage in urban areas as well as rural, and (2) that the system may be extended into urban areas subject to the conditions that any such extension passes through the urban area or connects with another Federal-aid system within the urban area, and that Federal participation in projects on such extensions is limited to urban funds.

(d) The Interstate System shall be designated within the continental United States and it shall not exceed forty-one thousand miles in total extent. It shall be so located as to connect by routes, as direct as practicable, the principal metropolitan areas, cities, and industrial centers, to serve the national defense, and to connect at suitable border points with routes of continental importance in the Dominion of Canada and the Republic of Mexico. The routes of this system shall be selected by joint action of the State highway departments of each State and the adjoining States, subject to approval by the Secretary as provided in subsection (e) of this section. All highways or routes included in the Interstate System as finally approved, if not already coincident with the primary system, shall be added to said system without regard to the mileage limitation set forth in subsection (b) of this section. This system may be located both in rural and urban areas.

(e) The Secretary shall have authority to approve in whole or in part the Federal-aid primary system, the Federal-aid secondary system, and the Interstate System, as and when such systems or portions thereof are designated, or to require modifications or revisions thereof. No Federal-aid system or portion thereof shall be eligible for projects in which Federal funds participate until approved by the Secretary.

(f) The system or systems of roads in the Territory of Alaska on which Federal-aid funds may be expended under this chapter shall



be determined and agreed upon by the Governor of Alaska, the Alaska Highway and Public Works Board, and the Secretary.

(g) The system of highways on which funds apportioned to the Territory of Hawaii under this chapter shall be expended may be determined and agreed upon by the Governor of said Territory and the Secretary.

#### **§ 104. Apportionment**

(a) Whenever an apportionment is made of the sums authorized to be appropriated for expenditure upon the Federal-aid systems, the Secretary shall deduct a sum, in such amount not to exceed  $3\frac{3}{4}$  per centum of all sums so authorized, as the Secretary may deem necessary for administering the provisions of law to be financed from appropriations for the Federal-aid systems and for carrying on the research authorized by subsections (a) and (b) of section 307 of this title. In making such determination, the Secretary shall take into account the unexpended balance of any sums deducted for such purposes in prior years. The sum so deducted shall be available for expenditure from the unexpended balance of any appropriation made at any time for expenditure upon the Federal-aid systems, until such sum has been expended.

(b) On or before January 1 next preceding the commencement of each fiscal year, except as provided in paragraphs (4) and (5) of this subsection, the Secretary, after making the deduction authorized by subsection (a) of this section, shall apportion the remainder of the sums authorized to be appropriated for expenditure upon the Federal-aid systems for that fiscal year, among the several States in the following manner:

##### **(1) For the Federal-aid primary system:**

One-third in the ratio which the area of each State bears to the total area of all the States, except that only one-third of the area of Alaska shall be included; one-third in the ratio which the population of each State bears to the total population of all the States as shown by the latest available Federal census; one-third in the ratio which the mileage of rural delivery routes and star routes in each State bears to the total mileage of rural delivery and star routes in all the States at the close of the next preceding fiscal year, as shown by a certificate of the Postmaster General, which he is directed to make and furnish annually to the Secretary. No State shall receive less than one-half of 1 per centum of each year's apportionment.

(2) For the Federal-aid secondary system:

One-third in the ratio which the area of each State bears to the total area of all the States, except that only one-third of the area of Alaska shall be included; one-third in the ratio which the rural population of each State bears to the total rural population of all the States as shown by the latest available Federal census; and one-third in the ratio which the mileage of rural delivery and star routes, certified as above provided, in each State bears to the total mileage of rural delivery and star routes in all the States. No State shall receive less than one-half of 1 per centum of each year's apportionment.

(3) For extensions of the Federal-aid primary and Federal-aid secondary systems within urban areas:

In the ratio which the population in municipalities and other urban places, of five thousand or more, in each State bears to the total population in municipalities and other urban places of five thousand or more in all the States, as shown by the latest available Federal census. For the purpose of this paragraph, Connecticut and Vermont towns shall be considered municipalities regardless of their incorporated status.

(4) For the Interstate System, for the fiscal years ending June 30, 1957, June 30, 1958, and June 30, 1959:

One-half in the ratio which the population of each State bears to the total population of all the States as shown by the latest available Federal census, except that no States shall receive less than three-fourths of 1 per centum of the funds so apportioned; and one-half in the manner provided in paragraph (1) of this subsection. The sums authorized by section 108 (b) of the Federal-aid Highway Act of 1956 for the fiscal years ending June 30, 1958, and June 30, 1959, shall be apportioned on a date not less than six months and not more than twelve months in advance of the beginning of the fiscal year for which authorized.

(5) For the Interstate System for the fiscal years 1960 through 1969:

In the ratio which the estimated cost of completing the Interstate System in each State, as determined and approved in the manner provided in this paragraph, bears to the sum of the estimated cost of completing the Interstate System in all of the States. Each apportionment herein authorized for the fiscal years 1960 through 1969, inclusive, shall be made on a date as far in advance of the beginning of the fiscal year for which author-



ized as practicable but in no case more than eighteen months prior to the beginning of the fiscal year for which authorized. As soon as the standards provided for in subsection (b) of section 109 of this title have been adopted, the Secretary, in cooperation with the State highway departments, shall make a detailed estimate of the cost of completing the Interstate System as then designated, after taking into account all previous apportionments made under this section, based upon such standards and in accordance with rules and regulations adopted by him and applied uniformly to all of the States. The Secretary shall transmit such estimates to the Senate and the House of Representatives within ten days subsequent to January 2, 1958. Upon approval of such estimate by the Congress by concurrent resolution, the Secretary shall use such approved estimate in making apportionments for the fiscal years ending June 30, 1960, June 30, 1961, and June 30, 1962. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System, after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1962. Upon approval of such estimate by the Congress by concurrent resolution, the Secretary shall use such approved estimate in making apportionments for the fiscal years ending June 30, 1963, June 30, 1964, June 30, 1965, and June 30, 1966. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System, after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1966, and annually thereafter through and including January 2, 1968. Upon approval of any such estimate by the Congress by concurrent resolution, the Secretary shall use such approved estimate in making apportionments for the fiscal year which begins next following the fiscal year in which such report is transmitted to the Senate and the House of Representatives. Whenever the Secretary, pursuant to this subsection, requests and receives estimates of cost from the State highway departments, he shall furnish copies of such estimates at the same time to the Senate and the House of Representatives. In making the estimates of cost for completing the Interstate System as provided in



this paragraph, the cost of completing any mileage designated from the one thousand additional miles authorized by section 108 (1) of the Federal-Aid Highway Act of 1956 shall be excluded.

(c) Not more than 20 per centum of the amount apportioned in any fiscal year, commencing with the apportionment of funds authorized to be appropriated under subsection (a) of section 102 of the Federal-Aid Highway Act of 1956 (70 Stat 374), to each State in accordance with paragraphs (1), (2), or (3) of subsection (b) of this section may be transferred from the apportionment under one paragraph to the apportionment under any other of such paragraphs if such a transfer is requested by the State highway department and is approved by the Governor of such State and the Secretary as being in the public interest. The total of such transfers shall not increase the original apportionment under any of such paragraphs by more than 20 per centum. Nothing contained in this subsection shall alter or impair the authority contained in subsection (d) of this section.

(d) Any funds which are apportioned under paragraph (2) of subsection (b) of this section for the Federal-aid secondary system to a State in which all public roads and highways are under the control and supervision of the State highway department may, if the State highway department and the Secretary jointly agree that such funds are not needed for the Federal-aid secondary system, be expended for projects on another Federal-aid system.

(e) On or before January 1 preceding the commencement of each fiscal year, the Secretary shall certify to each of the State highway departments the sums which he has apportioned hereunder to each State for such fiscal year, and also the sums which he has deducted for administration and research pursuant to subsection (a) of this section.

#### **§ 105. Programs**

(a) As soon as practicable after the apportionments for the Federal-aid systems have been made for any fiscal year, the State highway department of any State desiring to avail itself of the benefits of this chapter shall submit to the Secretary for his approval a program or programs of proposed projects for the utilization of the funds apportioned. The Secretary shall act upon programs submitted to him as soon as practicable after the same have been submitted. The Secretary may approve a program in whole or in part, but he shall not approve any project in a proposed program which is not located upon an approved Federal-aid system.

(b) In approving programs for projects on the Federal-aid secondary system, the Secretary shall require, except in States where all public roads and highways are under the control and supervision of the State highway department, that such project be selected by the State highway department and the appropriate local officials in cooperation with each other.

(c) In approving programs for projects on the Federal-aid primary system, the Secretary shall give preference to such projects as will expedite the completion of an adequate and connected system of highways interstate in character.

(d) In approving programs for projects under this chapter, the Secretary may give priority of approval to, and expedite the construction of, projects that are recommended as important to the national defense by the Secretary of Defense, or other official authorized by the President to make such recommendation.

(e) In approving programs in Hawaii, the Secretary shall give preference to such projects as will expedite the completion of highways for the national defense or which will connect seaports with units of the national parks.

#### **§ 106. Plans, specifications, and estimates**

(a) Except as provided in section 117 of this title, the State highway department shall submit to the Secretary for his approval, as soon as practicable after program approval, such surveys, plans, specifications, and estimates for each proposed project included in an approved program as the Secretary may require. The Secretary shall act upon such surveys, plans, specifications, and estimates as soon as practicable after the same have been submitted, and his approval of any such project shall be deemed a contractual obligation of the Federal Government for the payment of its proportional contribution thereto. In taking such action, the Secretary shall be guided by the provisions of section 109 of this title.

(b) In addition to the approval required under subsection (a) of this section, proposed specifications for projects for construction on the Federal-aid secondary system, except in States where all public roads and highways are under the control and supervision of the State highway department, shall be determined by the State highway department and the appropriate local officials in cooperation with each other.

(c) Items included in any such estimate for construction engineering shall not exceed 10 per centum of the total estimated cost of the

project, after excluding from such total estimated cost, the estimated costs of rights-of-way, preliminary engineering and construction engineering.

**§ 107. Acquisition of rights-of-way—Interstate System**

(a) In any case in which the Secretary is requested by a State to acquire lands or interests in lands (including within the term "interests in lands", the control of access thereto from adjoining lands) required by such State for right-of-way or other purposes in connection with the prosecution of any project for the construction, reconstruction, or improvement of any section of the Interstate System, the Secretary is authorized, in the name of the United States and prior to the approval of title by the Attorney General, to acquire, enter upon, and take possession of such lands or interests in lands by purchase, donation, condemnation, or otherwise in accordance with the laws of the United States (including the Act of February 26, 1931, 46 Stat. 1421), if—

(1) the Secretary has determined either that the State is unable to acquire necessary lands or interests in lands, or is unable to acquire such lands or interests in lands with sufficient promptness; and

(2) the State has agreed with the Secretary to pay, at such time as may be specified by the Secretary an amount equal to 10 per centum of the costs incurred by the Secretary, in acquiring such lands or interests in lands, or such lesser percentage which represents the State's pro rata share of project costs as determined in accordance with subsection (c) of section 120 of this title.

The authority granted by this section shall also apply to lands and interests in lands received as grants of land from the United States and owned or held by railroads or other corporations.

(b) The costs incurred by the Secretary in acquiring any such lands or interests in lands may include the cost of examination and abstract of title, certificate of title, advertising, and any fees incidental to such acquisition. All costs incurred by the Secretary in connection with the acquisition of any such lands or interests in lands shall be paid from the funds for construction, reconstruction, or improvement of the Interstate System apportioned to the State upon the request of which such lands or interests in lands are acquired, and any sums paid to the Secretary by such State as its share of the costs of acquisition of such lands or interests in lands shall be deposited in the Treasury to the credit of the appropriation for Federal-



aid highways and shall be credited to the amount apportioned to such State as its apportionment of funds for construction, reconstruction, or improvement of the Interstate System, or shall be deducted from other moneys due the State for reimbursement from funds authorized to be appropriated under section 108 (b) of the Federal-Aid Highway Act of 1956.

(c) The Secretary is further authorized and directed by proper deed, executed in the name of the United States, to convey any such lands or interests in lands acquired in any State under the provisions of this section, except the outside five feet of any such right-of-way in any State which does not provide control of access, to the State highway department of such State or such political subdivision thereof as its laws may provide, upon such terms and conditions as to such lands or interests in lands as may be agreed upon by the Secretary and the State highway department or political subdivisions to which the conveyance is to be made. Whenever the State makes provision for control of access satisfactory to the Secretary, the outside five feet then shall be conveyed to the State by the Secretary, as herein provided.

(d) Whenever rights-of-way, including control of access, on the Interstate System are required over lands or interests in lands owned by the United States, the Secretary may make such arrangements with the agency having jurisdiction over such lands as may be necessary to give the State or other person constructing the projects on such lands adequate rights-of-way and control of access thereto from adjoining lands, and any such agency is directed to cooperate with the Secretary in this connection.

#### **§ 108. Advance acquisition of rights-of-way**

(a) For the purpose of facilitating the acquisition of rights-of-way on any of the Federal-aid highway systems, including the Interstate System, in the most expeditious and economical manner, and recognizing that the acquisition of rights-of-way requires lengthy planning and negotiations if it is to be done at a reasonable cost, the Secretary, upon the request of the State highway department, is authorized to make available the funds apportioned to any State for expenditure on any of the Federal-aid highway systems, including the Interstate System, for acquisition of rights-of-way, in anticipation of construction and under such rules and regulations as the Secretary may prescribe. The agreement between the Secretary and the State highway department for the reimbursement of the cost of such rights-of-way shall provide for the actual construction of a road on

such rights-of-way within a period not exceeding five years following the fiscal year in which such request is made.

(b) Federal participation in the cost of rights-of-way acquired under this section shall not exceed the Federal pro rata share applicable to the class of funds from which Federal reimbursement is made.

### **§ 109. Standards**

(a) The Secretary shall not approve plans and specifications for proposed projects on any Federal-aid system if they fail to provide for a facility (1) that will adequately meet the existing and probable future traffic needs and conditions in a manner conducive to safety, durability, and economy of maintenance; (2) that will be designed and constructed in accordance with standards best suited to accomplish the foregoing objectives and to conform to the particular needs of each locality.

(b) The geometric and construction standards to be adopted for the Interstate System shall be those approved by the Secretary in cooperation with the State highway departments. Such standards shall be adequate to accommodate the types and volumes of traffic forecast for the year 1975. The right-of-way width of the Interstate System shall be adequate to permit construction of projects on the Interstate System up to such standards. The Secretary shall apply such standards uniformly throughout the States.

(c) Projects on the Federal-aid secondary system in which Federal funds participate shall be constructed according to specifications that will provide all-weather service and permit maintenance at a reasonable cost.

(d) On any highway project in which Federal funds hereafter participate, or on any such project constructed since December 20, 1944, the location, form and character of informational, regulatory and warning signs, curb and pavement or other markings, and traffic signals installed or placed by any public authority or other agency, shall be subject to the approval of the State highway department with the concurrence of the Secretary, who is directed to concur only in such installations as will promote the safe and efficient utilization of the highways.

(e) No funds shall be approved for expenditure on any Federal-aid highway, or highway affected under chapter 2 of this title, unless proper safety protective devices complying with safety standards determined by the Secretary at that time as being adequate shall

be installed or be in operation at any highway and railroad grade crossing or drawbridge on that portion of the highway with respect to which such expenditures are to be made.

(f) The Secretary shall not, as a condition precedent to his approval under section 106 of this title, require any State to acquire title to, or control of, any marginal land along the proposed highway in addition to that reasonably necessary for road surfaces, median strips, gutters, ditches, and side slopes, and of sufficient width to provide service roads for adjacent property to permit safe access at controlled locations in order to expedite traffic, promote safety, and minimize roadside parking.

#### **§ 110. Project agreements**

(a) As soon as practicable after the plans, specifications, and estimates for a specific project have been approved, the Secretary shall enter into a formal project agreement with the State highway department concerning the construction and maintenance of such project. Such project agreement shall make provision for State funds required for the State's pro rata share of the cost of construction of such project and for the maintenance thereof after completion of construction.

(b) The Secretary may rely upon representations made by the State highway department with respect to the arrangements or agreements made by the State highway department and appropriate local officials where a part of the project is to be constructed at the expense of, or in cooperation with, local subdivisions of the State.

#### **§ 111. Agreements relating to use of and access to rights-of-way, Interstate System**

All agreements between the Secretary and the State highway department for the construction of projects on the Interstate System shall contain a clause providing that the State will not add any points of access to, or exit from, the project in addition to those approved by the Secretary in the plans for such project, without the prior approval of the Secretary. Such agreements shall also contain a clause providing that the State will not permit automotive service stations or other commercial establishments for serving motor vehicle users to be constructed or located on the rights-of-way of the Interstate System. Such agreements may, however, authorize a State or political subdivision thereof to use the airspace above and below the established grade line of the highway pavement for the parking of motor vehicles provided such use does not interfere in any way with the free flow of traffic on the Interstate System.



**§ 112. Letting of contracts**

(a) In all cases where the construction is to be performed by the State highway department or under its supervision, a request for submission of bids shall be made by advertisement unless some other method is approved by the Secretary. The Secretary shall require such plans and specifications and such methods of bidding as shall be effective in securing competition.

(b) Construction of each project, subject to the provisions of subsection (a) of this section, shall be performed by contract awarded by competitive bidding, unless the Secretary shall affirmatively find that, under the circumstances relating to such project, some other method is in the public interest. All such findings shall be reported promptly in writing to the Committees on Public Works of the Senate and the House of Representatives.

(c) The Secretary shall require as a condition precedent to his approval of each contract awarded by competitive bidding pursuant to subsection (b) of this section, and subject to the provisions of this section, a sworn statement, executed by, or on behalf of, the person, firm, association, or corporation to whom such contract is to be awarded, certifying that such person, firm, association, or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with such contract.

(d) No contract awarded by competitive bidding pursuant to subsection (b) of this section, and subject to the provisions of this section, shall be entered into by any State highway department or local subdivision of the State without compliance with the provisions of this section, and without the prior concurrence of the Secretary in the award thereof.

(e) The provisions of this section shall not be applicable to contracts for projects on the Federal-aid secondary system in those States where the Secretary has discharged his responsibility pursuant to section 117 of this title.

**§ 113. Prevailing rate of wage—Interstate System**

(a) The Secretary shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors on the initial construction work performed on highway projects on the Interstate System authorized under section 108 (b) of the Federal-Aid Highway Act of 1956, shall be paid wages at rates not less than those prevailing on the same type of work on similar construction in the immediate locality as determined by the

Secretary of Labor in accordance with the Act of August 30, 1935, known as the Davis-Bacon Act (40 U. S. C., sec. 276a).

(b) In carrying out the duties of subsection (a) of this section, the Secretary of Labor shall consult with the highway department of the State in which a project on the Interstate System is to be performed. After giving due regard to the information thus obtained, he shall make a predetermination of the minimum wages to be paid laborers and mechanics in accordance with the provisions of subsection (a) of this section which shall be set out in each project advertisement for bids and in each bid proposal form and shall be made a part of the contract covering the project.

#### **§ 114. Construction**

(a) The construction of any highways or portions of highways located on a Federal-aid system shall be undertaken by the respective State highway departments or under their direct supervision. Except as provided in section 117 of this title, such construction shall be subject to the inspection and approval of the Secretary. The construction work and labor in each State shall be performed under the direct supervision of the State highway department and in accordance with the laws of that State and applicable Federal laws. Construction may be begun as soon as funds are available for expenditure pursuant to subsection (a) of section 118 of this title.

(b) Convict labor shall not be used in such construction unless it is labor performed by convicts who are on parole or probation.

#### **§ 115. Construction by States in advance of apportionment—Interstate System**

(a) When a State has obligated all funds apportioned to it under subsection (b) (4) and (5) of section 104 of this title, and proceeds to construct any project without the aid of Federal funds, including one or more parts of any project, on the Interstate System as designated at that time, in accordance with all procedures and all requirements applicable to projects financed with Interstate System funds authorized to be appropriated under subsection (b) of section 108 of the Federal-Aid Highway Act of 1956, except insofar as such procedures and requirements limit a State to the construction of projects with the aid of Federal funds previously apportioned to it, the Secretary, upon application by such State and his approval of such application, is authorized to pay to such State the Federal share of the costs of construction of such project when additional funds are apportioned

to such State under subsection (b) (4) and (5) of section 104 of this title if:

(1) prior to the construction of the project the Secretary shall have approved the plans and specifications therefor in the same manner as other projects on the Interstate System, and

(2) the project shall conform to the standards adopted under subsection (b) of section 109 of this title.

(b) In determining the apportionment for any fiscal year under the provisions of subsection (b) (5) of section 104 of this title, any such project constructed by a State without the aid of Federal funds shall not be considered completed until an application under the provisions of this section with respect to such project has been approved by the Secretary.

#### **§ 116. Maintenance**

(a) Except as provided in subsection (d) of this section, it shall be the duty of the State highway department to maintain, or cause to be maintained, any project constructed under the provisions of this chapter or constructed under the provisions of prior Acts. The State's obligation to the United States to maintain any such project shall cease when it no longer constitutes a part of a Federal-aid system.

(b) In any State wherein the State highway department is without legal authority to maintain a project constructed on the Federal-aid secondary system, or within a municipality, such highway department shall enter into a formal agreement for its maintenance with the appropriate officials of the county or municipality in which such project is located.

(c) If at any time the Secretary shall find that any project constructed under the provisions of this chapter, or constructed under the provisions of prior Acts, is not being properly maintained, he shall call such fact to the attention of the State highway department. If, within ninety days after receipt of such notice, such project has not been put in proper condition of maintenance, the Secretary shall withhold approval of further projects of all types in the entire State until such project shall have been put in proper condition of maintenance, unless such project is subject to an agreement pursuant to subsection (b) of this section, in which case approval shall be withheld only for secondary or urban projects in the county or municipality where such project is located.

(d) The Federal-aid funds apportioned to the Territory of Alaska and the funds contributed by the Territory under section 120 of this



title may be expended for the maintenance of roads within the system or systems of roads agreed upon under section 103 (f) of this title under the same terms and conditions as for the construction of such roads.

### **§ 117. Secondary road responsibility**

(a) The Secretary may, upon the request of any State highway department, discharge his responsibility relative to the plans, specifications, estimates, surveys, contract awards, design, inspection, and construction of all projects on the Federal-aid secondary system by his receiving and approving a certified statement by the State highway department setting forth that the plans, design, and construction for each such project are in accord with those standards and procedures which (1) were adopted by such State highway department, (2) were applicable to projects in this category, and (3) were approved by him.

(b) The Secretary shall not approve such standards and procedures unless they are in accordance with the provisions of subsection (b) of section 105, subsection (b) of section 106, and subsection (c) of section 109, of this title.

(c) Subsections (a) and (b) of this section shall not be construed to relieve the Secretary of his obligation to make a final inspection of each project after construction and to require an adequate showing of the estimated cost of construction and the actual cost of construction.

### **§ 118. Availability of sums apportioned**

(a) On and after the date that the Secretary has certified to each State highway department the sums apportioned to each Federal-aid system or part thereof pursuant to an authorization under this title, or under prior Acts, such sums shall be available for expenditure under the provisions of this title.

(b) Such sums shall continue available for expenditure in that State for the appropriate Federal-aid system or part thereof for a period of two years after the close of the fiscal year for which such sums are authorized and any amounts so apportioned remaining unexpended at the end of such period shall lapse, except that any amount apportioned to the States for the Interstate System under subsection (b) (4) and (5) of section 104 of this title remaining unexpended at the end of the period during which it is available under this section shall lapse and shall immediately be reapportioned among the other States in accordance with the provisions of subsection (b) (5) of section 104 of this title. Such sums for any fiscal year shall be deemed to be

expended if a sum equal to the total of the sums apportioned to the State for such fiscal year and previous fiscal years is covered by formal project agreements providing for the expenditure of funds authorized by each Act which contains provisions authorizing the appropriation of funds for Federal-aid highways. Any Federal-aid highway funds released by the payment of the final voucher or by the modification of the formal project agreement shall be credited to the same class of funds, primary, secondary, urban, or interstate, previously apportioned to the State and be immediately available for expenditure.

(c) The total payments to any State shall not at any time during a current fiscal year exceed the total of all apportionments to such State in accordance with section 104 of this title for such fiscal year and all preceding fiscal years.

#### **§ 119. Administration of Federal aid for highways in Alaska**

(a) The Secretary shall administer the functions, duties, and authority pertaining to the construction, repair and maintenance of roads, tramways, ferries, bridges, trails, and other works in Alaska, conferred upon the Department of the Interior and, prior to September 16, 1956, administered by the Secretary of the Interior under the Act of June 30, 1932 (47 Stat. 446; 48 U. S. C., sec. 321a and following).

(b) The Secretary shall, by order or regulations, distribute the functions, duties, and authority required to be administered by him under subsection (a) of this section and appropriations pertaining thereto as he may deem proper to accomplish the economical and effective organization and administration thereof.

#### **§ 120. Federal share payable**

(a) Subject to the provisions of subsections (d) and (h) of this section, the Federal share payable on account of any project, financed with primary, secondary, or urban funds, on the Federal-aid primary system and the Federal-aid secondary system shall not exceed 50 per centum of the cost of construction, except that in the case of any State containing unappropriated and unreserved public lands and non-taxable Indian lands, individual and tribal, exceeding 5 per centum of the total area of all lands therein, the Federal share shall be increased by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State, is of its total area.

(b) Subject to the provisions of subsection (d) of this section, the Federal share payable on account of any project, financed with interstate funds on the Interstate System, authorized to be appropriated prior to June 29, 1956, shall not exceed 60 per centum of the cost of



construction, except that in the case of any State containing unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, exceeding 5 per centum of the total area of all lands therein, the Federal share shall be increased by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State, is of its total area. The provisions of subsection (a) of this section shall apply to any project financed with funds authorized by the provisions of section 2 of the Federal-Aid Highway Act of 1952.

(c) Subject to the provisions of subsection (d) of this section, the Federal share payable on account of any project on the Interstate System provided for by funds made available under the provisions of section 108 (b) of the Federal-Aid Highway Act of 1956 shall be increased to 90 per centum of the total cost thereof, plus a percentage of the remaining 10 per centum of such cost in any State containing unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, exceeding 5 per centum of the total area of all lands therein, equal to the percentage that the area of such lands in such State is of its total area, except that such Federal share payable on any project in any State shall not exceed 95 per centum of the total cost of such project.

(d) The Federal share payable on account of any project for the elimination of hazards of railway-highway crossings, as more fully described and subject to the conditions and limitations set forth in section 130 of this title, may amount to 100 per centum of the cost of construction of such projects, except that not more than 50 per centum of the right-of-way and property damage costs, paid from public funds, on any such project, may be paid from sums apportioned in accordance with section 104 of this title. Not more than 10 per centum of all the sums apportioned for all the Federal-aid systems for any fiscal year in accordance with section 104 of this title shall be used under this subsection or under section 130 of this title.

(e) The Secretary may rely on a statement from the Secretary of the Interior as to the area of the lands referred to in subsections (a) and (b) of this section. The Secretary of the Interior is authorized and directed to provide such statement annually.

(f) The Federal share payable on account of any repair or reconstruction provided for by funds made available under section 125 of this title shall not exceed 50 per centum of the cost thereof.

(g) The Secretary is authorized to cooperate with the State highway departments and with the Department of the Interior in the



construction of Federal-aid highways within Indian reservations and national parks and monuments under the jurisdiction of the Department of the Interior and to pay the amount assumed therefor from the funds apportioned in accordance with section 104 of this title to the State wherein the reservations and national parks and monuments are located.

(h) The Territory of Alaska shall contribute funds each fiscal year in an amount that shall be not less than 10 per centum of the Federal funds apportioned to it for such fiscal year, such contribution to be deposited in a special account in the Federal Treasury for use in conjunction with the Federal funds apportioned to the Territory. The Federal funds apportioned to the Territory of Alaska and the funds contributed by the Territory may be expended by the Secretary either directly or in cooperation with the Alaska Highway and Public Works Board and may be so expended separately or in combination and without regard to the matching provisions of this chapter.

#### **§ 121. Payment to States for construction**

(a) The Secretary may, in his discretion, from time to time as the work progresses, make payments to a State for costs of construction incurred by it on a project. These payments shall at no time exceed the Federal share of the costs of construction incurred to the date of the voucher covering such payment plus the Federal share of the value of the materials which have been stockpiled in the vicinity of such construction in conformity to plans and specifications for the project.

(b) After completion of a project in accordance with the plans and specifications, and approval of the final voucher by the Secretary, a State shall be entitled to payment out of the appropriate sums apportioned to it of the unpaid balance of the Federal share payable on account of such project.

(c) No payment shall be made under this chapter, except for a project located on a Federal-aid system and covered by a project agreement. No final payment shall be made to a State for its costs of construction of a project until the completion of the construction has been approved by the Secretary following inspections pursuant to section 114 (a) of this title.

(d) In making payments pursuant to this section, the Secretary shall be bound by the limitations with respect to the permissible amounts of such payments contained in sections 120 and 130 of this title. Payments for construction engineering on any one project shall not exceed 10 per centum of the Federal share of the cost of

construction of such project after excluding from the cost of construction the costs of rights-of-way, preliminary engineering, and construction engineering.

(e) Such payments shall be made to such official or officials or depository as may be designated by the State highway department and authorized under the laws of the State to receive public funds of the State.

#### **§ 122. Payment to States for bond retirement**

Any State that shall use the proceeds of bonds issued by the State, county, city, or other political subdivision of the State for the construction of one or more projects on the Federal-aid primary or Interstate System, or extensions of any of the Federal-aid highway systems in urban areas, may claim payment of any portion of the sums apportioned to it for expenditure on such system to aid in the retirement of the principal of such bonds at their maturities, to the extent that the proceeds of such bonds have been actually expended in the construction of one or more of such projects. Such claim for payment may be made only when all of the provisions of this title have been complied with to the same extent and with the same effect as though payment were to be made to the State under section 121 of this title, instead of this section, and the Federal share payable shall not exceed the pro rata basis of payment authorized in section 120 of this title. This section shall not be construed as a commitment or obligation on the part of the United States to provide funds for the payment of the principal of any such bonds.

#### **§ 123. Relocation of utility facilities**

(a) When a State shall pay for the cost of relocation of utility facilities necessitated by the construction of a project on the Federal-aid primary or secondary systems or on the Interstate System, including extensions thereof within urban areas, Federal funds may be used to reimburse the State for such cost in the same proportion as Federal funds are expended on the project. Federal funds shall not be used to reimburse the State under this section when the payment to the utility violates the law of the State or violates a legal contract between the utility and the State. Such reimbursement shall be made only after evidence satisfactory to the Secretary shall have been presented to him substantiating the fact that the State has paid such cost from its own funds with respect to Federal-aid highway projects for which Federal funds are obligated subsequent to April 16, 1958, for work, including relocation of utility facilities.

(b) The term "utility", for the purposes of this section, shall include publicly, privately, and cooperatively owned utilities.

(c) The term "cost of relocation", for the purposes of this section, shall include the entire amount paid by such utility properly attributable to such relocation after deducting therefrom any increase in the value of the new facility and any salvage value derived from the old facility.

#### **§ 124. Advances to States**

If the Secretary shall determine that it is necessary for the expeditious completion of projects on any of the Federal-aid systems, including the Interstate System, he may advance to any State out of any existing appropriations the Federal share of the cost of construction thereof to enable the State highway department to make prompt payments for acquisition of rights-of-way, and for the construction as it progresses. The sums so advanced shall be deposited in a special revolving trust fund, by the State official authorized under the laws of the State to receive Federal-aid highway funds, to be disbursed solely upon vouchers approved by the State highway department for rights-of-way which have been or are being acquired, and for construction which has been actually performed and approved by the Secretary pursuant to this chapter. Upon determination by the Secretary that any part of the funds advanced to any State under the provisions of this section are no longer required, the amount of the advance, which is determined to be in excess of current requirements of the State, shall be repaid upon his demand, and such repayments shall be returned to the credit of the appropriation from which the funds were advanced. Any sum advanced and not repaid on demand shall be deducted from sums due the State for the Federal pro rata share of the cost of construction of Federal-aid projects.

#### **§ 125. Emergency relief**

An emergency fund is authorized for expenditure by the Secretary in accordance with the provisions of this section. The Secretary may expend funds therefrom, after receipt of an application therefor from a State highway department, for the repair or reconstruction of highways and bridges on the Federal-aid highway systems, including the Interstate System, in accordance with the provisions of this chapter which he shall find have suffered serious damage as the result of disaster over a wide area, such as by floods, hurricanes, tidal waves, earthquakes, severe storms, landslides, or other catastrophes in any part of the United States. The appropriation of such moneys, not to



exceed \$30,000,000, as may be necessary for the initial establishment of this fund and for its replenishment on an annual basis is authorized. Pending such appropriation or replenishment, the Secretary may expend from existing Federal-aid highway appropriations, such sums as may be necessary for the immediate prosecution of the work herein authorized, such existing appropriations to be reimbursed from the appropriation hereinabove authorized when made. No funds shall be expended under the provisions of this section with respect to any such catastrophe in any State unless an emergency has been declared by the Governor of such State and concurred in by the Secretary.

### **§ 126. Diversion**

(a) Since it is unfair and unjust to tax motor-vehicle transportation unless the proceeds of such taxation are applied to the construction, improvement, or maintenance of highways, after June 30, 1935, Federal aid for highway construction shall be extended only to those States that use at least the amounts provided by law on June 18, 1934, for such purposes in each State from State motor vehicle registration fees, licenses, gasoline taxes, and other special taxes on motor-vehicle owners and operators of all kinds for the construction, improvement, and maintenance of highways and administrative expenses in connection therewith, including the retirement of bonds for the payment of which such revenues have been pledged, and for no other purposes, under such regulations as the Secretary of Commerce shall promulgate from time to time.

(b) In no case shall the provisions of this section operate to deprive any State of more than one-third of the entire apportionment authorized under this chapter to which that State would be entitled in any fiscal year. The amount of any reduction in a State's apportionment shall be reapportioned in the same manner as any other unexpended balance at the end of the period during which it otherwise would be available in accordance with section 104 (b) of this title.

### **§ 127. Vehicle weight and width limitations—Interstate System**

No funds authorized to be appropriated for any fiscal year under section 108 (b) of the Federal-Aid Highway Act of 1956 shall be apportioned to any State within the boundaries of which the Interstate System may lawfully be used by vehicles with weight in excess of eighteen thousand pounds carried on any one axle, or with a tandem-axle weight in excess of thirty-two thousand pounds, or with an over-

all gross weight in excess of seventy-three thousand two hundred and eighty pounds, or with a width in excess of ninety-six inches, or the corresponding maximum weights or maximum widths permitted for vehicles using the public highways of such State under laws or regulations established by appropriate State authority in effect on July 1, 1956, whichever is the greater. Any amount which is withheld from apportionment to any State pursuant to the foregoing provisions shall lapse. This section shall not be construed to deny apportionment to any State allowing the operation within such State of any vehicles or combinations thereof that could be lawfully operated within such State on July 1, 1956.

### **§ 128. Public hearings**

(a) Any State highway department which submits plans for a Federal-aid highway project involving the bypassing of, or going through, any city, town, or village, either incorporated or unincorporated, shall certify to the Secretary that it has had public hearings, or has afforded the opportunity for such hearings, and has considered the economic effects of such a location. Any State highway department which submits plans for an Interstate System project shall certify to the Secretary that it has had public hearings at a convenient location, or has afforded the opportunity for such hearings, for the purpose of enabling persons in rural areas through or contiguous to whose property the highway will pass to express any objections they may have to the proposed location of such highway.

(b) When hearings have been held under subsection (a), the State highway department shall submit a copy of the transcript of said hearings to the Secretary, together with the certification.

### **§ 129. Toll roads, bridges and tunnels**

(a) Notwithstanding the provisions of section 301 of this title, the Secretary may permit Federal participation, on the same basis and in the same manner as in the construction of free highways under this chapter, in the construction of any toll bridge, toll tunnel, or approach thereto, upon compliance with the conditions contained in this section. Such bridge, tunnel, or approach thereto, must be publicly owned and operated. Federal funds may participate in the approaches to a toll bridge or toll tunnel whether such bridge or tunnel is to be or has been constructed, or acquired, by the State or other public authority. The State highway department or departments must be a party or parties to an agreement with the Secretary whereby it or they undertake performance of the following obligations:

(1) all tolls received from the operation of the bridge or tunnel, less the actual cost of such operation and maintenance, shall be applied to the repayment to the State or other public authority of all of the costs of construction or acquisition of such bridge or tunnel, except that part which was contributed by the United States;

(2) no tolls shall be charged for the use of such bridge or tunnel after the State or other public authority shall have been so repaid; and

(3) after the date of final repayment, the bridge or tunnel shall be maintained and operated as a free bridge or free tunnel.

(b) Upon a finding by the Secretary that such action will promote the development of an integrated Interstate System, the Secretary is authorized to approve as part of the Interstate System any toll road, bridge or tunnel, now or hereafter constructed which meets the standards adopted for the improvement of projects located on the Interstate System, when such toll road, bridge or tunnel is located on a route heretofore or hereafter designated as a part of the Interstate System. No Federal-aid highway funds shall be expended for the construction, reconstruction or improvement of any such toll road, except to the extent permitted by law after June 29, 1956. No Federal-aid highway funds shall be expended for the construction, reconstruction or improvement of any such toll bridge or tunnel, except to the extent permitted by law on or after June 29, 1956.

(c) Funds authorized under prior Acts for expenditure on any of the Federal-aid highway systems, including the Interstate System, shall be available for expenditure on projects approaching any toll road, bridge or tunnel to a point where such project will have some use irrespective of its use for such toll road, bridge or tunnel.

(d) Funds authorized for the Interstate System shall be available for expenditure on Interstate System projects approaching any toll road on the Interstate System, although the project has no use other than an approach to such toll road, if an agreement satisfactory to the Secretary has been reached with the State prior to the approval of such project—

(1) that the section of toll road will become free to the public upon the collection of tolls sufficient to liquidate the cost of the toll road or any bonds outstanding at the time constituting a valid lien against such section of toll road covered in the agree-



ment and their maintenance and operation and debt service during the period of toll collections, and

(2) that there is one or more reasonably satisfactory alternate free routes available to traffic by which the toll section of the system may be bypassed.

### **§ 130. Railway-highway crossings**

(a) Except as provided in subsection (d) of section 120 of this title and subsection (b) of this section, the entire cost of construction of projects for the elimination of hazards of railway-highway crossings, including the separation or protection of grades at crossings, the reconstruction of existing railroad grade crossing structures, and the relocation of highways to eliminate grade crossings, may be paid from sums apportioned in accordance with section 104 of this title. In any case when the elimination of the hazards of a railway-highway crossing can be effected by the relocation of a portion of a railway at a cost estimated by the Secretary to be less than the cost of such elimination by one of the methods mentioned in the first sentence of this section, then the entire cost of such relocation project, except as provided in subsection (d) of section 120 of this title and subsection (b) of this section, may be paid from sums apportioned in accordance with section 104 of this title.

(b) The Secretary may classify the various types of projects involved in the elimination of hazards of railway-highway crossings, and may set for each such classification a percentage of the costs of construction which shall be deemed to represent the net benefit to the railroad for the purpose of determining the railroad's share of the cost of construction. The percentage so determined shall in no case exceed 10 per centum. The Secretary shall determine the appropriate classification of each project.

(c) Any railroad involved in a project for the elimination of hazards of railway-highway crossings paid for in whole or in part from sums made available for expenditure under this title, or prior Acts, shall be liable to the United States for the net benefit to the railroad determined under the classification of such project made pursuant to subsection (b) of this section. Such liability to the United States may be discharged by direct payment to the State highway department of the State in which the project is located, in which case such payment shall be credited to the cost of the project. Such payment may consist in whole or in part of materials and labor furnished by the railroad in connection with the construction of such

project. If any such railroad fails to discharge such liability within a six-month period after completion of the project, it shall be liable to the United States for its share of the cost, and the Secretary shall request the Attorney General to institute proceedings against such railroad for the recovery of the amount for which it is liable under this subsection. The Attorney General is authorized to bring such proceedings on behalf of the United States, in the appropriate district court of the United States, and the United States shall be entitled in such proceedings to recover such sums as it is considered and adjudged by the court that such railroad is liable for in the premises. Any amounts recovered by the United States under this subsection shall be credited to miscellaneous receipts.

### **§ 131. Areas adjacent to the Interstate System**

(a) To promote the safety, convenience, and enjoyment of public travel and the free flow of interstate commerce and to protect the public investment in the National System of Interstate and Defense Highways, it is declared to be in the public interest to encourage and assist the States to control the use of and to improve areas adjacent to the Interstate System by controlling the erection and maintenance of outdoor advertising signs, displays, and devices adjacent to that system. It is declared to be a national policy that the erection and maintenance of outdoor advertising signs, displays, or devices within six hundred and sixty feet of the edge of the right-of-way and visible from the main-traveled way of all portions of the Interstate System constructed upon any part of right-of-way, the entire width of which is acquired subsequent to July 1, 1956, should be regulated, consistent with national standards to be prepared and promulgated by the Secretary, which shall include only the following four types of signs, and no signs advertising illegal activities:

(1) Directional or other official signs or notices that are required or authorized by law.

(2) Signs advertising the sale or lease of the property upon which they are located.

(3) Signs erected or maintained pursuant to authorization or permitted under State law, and not inconsistent with the national policy and standards of this section, advertising activities being conducted at a location within twelve miles of the point at which such signs are located.

(4) Signs erected or maintained pursuant to authorization in State law and not inconsistent with the national policy and stand-

ards of this section, and designed to give information in the specific interest of the traveling public.

(b) The Secretary of Commerce is authorized to enter into agreements with State highway departments (including such supplementary agreements as may be necessary) to carry out the national policy set forth in subsection (a) of this section with respect to the Interstate System within the State. Any such agreement shall include provisions for regulation and control of the erection and maintenance of advertising signs, displays, and other advertising devices in conformity with the standards established in accordance with subsection (a) of this section and may include, among other things, provisions for preservation of natural beauty, prevention of erosion, landscaping, reforestation, development of viewpoints for scenic attractions that are accessible to the public without charge, and the erection of markers, signs, or plaques, and development of areas in appreciation of sites of historical significance. Upon application of the State, any such agreement may, within the discretion of the Secretary of Commerce, consistent with the national policy, provide for excluding from application of the national standards segments of the Interstate System which traverse incorporated municipalities wherein the use of real property adjacent to the Interstate System is subject to municipal regulation or control, or which traverse other areas where the land use is clearly established by State law as industrial or commercial, and any such segment excluded from the application of such standards shall not be considered in computing the increase of the Federal share payable on account thereof.

(c) Notwithstanding the provisions of section 109 of this title, if an agreement pursuant to this section has been entered into with any State prior to July 1, 1961, the Federal share payable on account of any project on the Interstate System within that State provided for by funds authorized under the provisions of section 108 (b) of the Federal-Aid Highway Act of 1956, as amended by section 8 of the Federal-Aid Highway Act of 1958, to which the national policy and the agreement apply, shall be increased by one-half of one per centum of the total cost thereof, not including any additional cost that may be incurred in the carrying out of the agreement. The increase in the Federal share which is payable hereunder shall be paid only from appropriations from moneys in the Treasury not otherwise appropriated, which such appropriations are hereby authorized.



(d) Whenever any portion of the Interstate System is located upon or adjacent to any public lands or reservations of the United States, the Secretary of Commerce may make such arrangements and enter into such agreements with the agency having jurisdiction over such lands or reservations as may be necessary to carry out the national policy set forth in subsection (a) of this section, and any such agency is authorized and directed to cooperate fully with the Secretary of Commerce in this connection.

(e) Whenever a State shall acquire by purchase or condemnation the right to advertise or regulate advertising in an area adjacent to the right-of-way of a project on the Interstate System for the purpose of implementing this section, the cost of such acquisition shall be considered as a part of the cost of construction of such project and Federal funds may be used to pay the Federal pro rata share of such cost. Reimbursement to the State shall be made only with respect to that portion of such cost which does not exceed 5 per centum of the cost of the right-of-way for such project.

## CHAPTER 2—OTHER HIGHWAYS

Sec.

- 201. Authorizations.
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- 207. Parkways.
- 208. Indian reservation roads.
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- 210. Defense access roads.
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- 212. Inter-American Highway.
- 213. Rama Road.

### § 201. Authorizations

The provisions of this title shall apply to all unappropriated authorizations contained in prior Acts, and also to all unexpended appropriations heretofore made, providing for the expenditure of Federal funds on the following classes of highways: Forest highways, forest development roads and trails, park roads and trails, parkways, Indian reservation roads, public lands highways, and defense access roads. All such authorizations and appropriations shall continue in full force and effect, but hereafter obligations entered into and expenditures made pursuant thereto shall be subject to the provisions of this title.

**§ 202. Apportionment or allocation**

(a) On or before January 1 next preceding the commencement of each fiscal year, the Secretary shall apportion the sums authorized to be appropriated for such fiscal year for forest highways in the several States, according to the area and value of the land owned by the United States within the national forests therein, which the Secretary of Agriculture is directed to determine and certify to the Secretary from such information, sources, and departments as the Secretary of Agriculture may deem most accurate.

(b) Sums authorized to be appropriated for forest development roads and trails shall be allocated by the Secretary of Agriculture according to the relative needs of the various national forests, taking into consideration the existing transportation facilities, value of timber or other resources served, relative fire danger, and comparative difficulties of road and trail construction.

(c) Sums authorized to be appropriated for public lands highways shall be allocated by the Secretary among those States having more than 5 per centum of their area in unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations, on the basis of need in such States, respectively, as determined by the Secretary upon application of the State highway departments of the respective States. Preference shall be given to those projects which are located on a Federal-aid system.

**§ 203. Availability of funds**

Funds now authorized for forest highways, forest development roads and trails, park roads and trails, parkways, Indian reservation roads, and public lands highways shall be available for contract upon apportionment, or a date not earlier than one year preceding the beginning of the fiscal year for which authorized if no apportionment is required. Any amount remaining unexpended for a period of two years after the close of the fiscal year for which authorized shall lapse. The Secretary of the Department charged with the administration of such funds is granted authority to incur obligations, approve projects, and enter into contracts under such authorizations and his action in doing so shall be deemed a contractual obligation of the United States for the payment of the cost thereof and such funds shall be deemed to have been expended when so obligated. Any funds heretofore or hereafter authorized for any fiscal year for forest highways, forest development roads and trails, park roads and trails, parkways, Indian roads, and public lands highways shall be deemed to have been expended if a sum equal to the total of the sums author-

ized for such fiscal year and previous fiscal years since and including the fiscal year ending June 30, 1955, shall have been obligated. Any of such funds released by payment of final voucher or modification of project authorizations shall be credited to the balance of unobligated authorizations and be immediately available for expenditure.

#### **§ 204. Forest highways**

(a) Funds available for forest highways shall be used by the Secretary to pay for the cost of construction and maintenance thereof. In connection therewith, the Secretary may enter into construction contracts and such other contracts with a State, or civil subdivision thereof as he deems advisable.

(b) Cooperation of States, counties, or other local subdivisions, may be accepted but shall not be required by the Secretary.

(c) Construction estimated to cost \$5,000 or more per mile, exclusive of bridges, shall be advertised and let to contract. If such estimated cost is less than \$5,000 per mile or if, after proper advertising, no acceptable bid is received or the bids are deemed excessive, the work may be done by the Secretary on his own account. For such purpose, the Secretary may purchase, lease, hire, rent, or otherwise obtain all necessary supplies, materials, tools, equipment, and facilities required to perform the work, and may pay wages, salaries, and other expenses for help employed in connection with such work.

(d) All appropriations for forest highways shall be administered in conformity with regulations jointly approved by the Secretary and the Secretary of Agriculture.

(e) The Secretary shall transfer to the Secretary of Agriculture from appropriations for forest highways such amounts as may be needed to cover necessary administrative expenses of the Forest Service in connection with the forest-highway program.

(f) Funds available for forest highways shall be available for adjacent vehicular parking areas and for sanitary, water, and fire control facilities.

#### **§ 205. Forest development roads and trails**

(a) Funds available for forest development roads and trails shall be used by the Secretary of Agriculture to pay for the cost of construction and maintenance thereof, including roads and trails, on experimental areas under Forest Service administration. In connection therewith, the Secretary of Agriculture may enter into construction contracts with a State or civil subdivision thereof, and issue such regulations as he deems advisable.



(b) Cooperation of States, counties, or other local subdivisions may be accepted but shall not be required by the Secretary of Agriculture.

(c) Construction estimated to cost \$10,000 or more per mile, exclusive of bridges, shall be advertised and let to contract. If such estimated cost is less than \$10,000 per mile or if, after proper advertising, no acceptable bid is received or the bids are deemed excessive, the work may be done by the Secretary of Agriculture on his own account. For such purpose, the Secretary of Agriculture may purchase, lease, hire, rent, or otherwise obtain all necessary supplies, materials, tools, equipment, and facilities required to perform the work, and may pay wages, salaries, and other expenses for help employed in connection with such work.

(d) Funds available for forest development roads and trails shall be available for adjacent vehicular parking areas and for sanitary, water, and fire control facilities.

#### **§ 206. Park roads and trails**

(a) Funds available for park roads and trails shall be used to pay for the cost of construction and improvement thereof.

(b) Appropriations for the construction and improvement of park roads shall be administered in conformity with regulations jointly approved by the Secretary and the Secretary of the Interior.

#### **§ 207. Parkways**

(a) Funds available for parkways shall be used to pay for the cost of construction and improvement thereof.

(b) Appropriations for the construction of parkways shall be administered in conformity with regulations jointly approved by the Secretary and the Secretary of the Interior.

(c) The location of parkways upon public lands, national forests, or other Federal reservations, shall be determined by agreement between the department having jurisdiction over such lands and the Secretary of the Interior.

#### **§ 208. Indian reservation roads**

(a) Funds available for Indian reservation roads and bridges shall be used to pay for the cost of construction and improvement thereof.

(b) The Secretary shall approve the location, type, and design of all projects for Indian reservation roads and bridges before any expenditures are made thereon and all construction thereof shall be under the general supervision of the Secretary.

(c) Indian labor may be employed in such construction and improvement under such rules and regulations as may be prescribed by the Secretary of the Interior.

**§ 209. Public lands highways**

(a) Funds available for public lands highways shall be used by the Secretary to pay for the cost of construction and maintenance thereof.

(b) The Secretary is authorized to cooperate with the State highway departments and with the Secretary of the Department having jurisdiction over the particular lands, in the survey, construction, and maintenance of public lands highways.

(c) The provisions of section 112 of this title are applicable to public lands highways.

**§ 210. Defense access roads**

(a) The Secretary is authorized, out of the funds appropriated for defense access roads, to provide for the construction and maintenance of defense access roads (including bridges, tubes, and tunnels thereon) to military reservations, to defense industries and defense industry sites, and to the sources of raw materials when such roads are certified to the Secretary as important to the national defense by the Secretary of Defense or such other official as the President may designate, and for replacing existing highways and highway connections that are shut off from the general public use by necessary closures or restrictions at military reservations and defense industry sites.

(b) Funds appropriated for the purposes of this section shall be available, without regard to apportionment among the several States, for paying all or any part of the cost of the construction and maintenance of defense access roads.

(c) Not exceeding \$5,000,000 of any funds appropriated under the Act approved October 16, 1951 (65 Stat. 422), may be used by the Secretary in areas certified to him by the Secretary of Defense as maneuver areas for such construction, maintenance, and repair work as may be necessary to keep the highways therein, which have been or may be used for training of the Armed Forces, in suitable condition for such training purposes and for repairing the damage caused to such highways by the operations of men and equipment in such training.

(d) Whenever any project for the construction of a circumferential highway around a city or of a radial intracity route thereto submitted by any State is certified by the Secretary of Defense, or such other official as the President may designate, as being important for civilian or military defense, such project may be constructed out of the funds heretofore or hereafter authorized to be appropriated for defense access roads.

(e) If the Secretary shall determine that the State highway department of any State is unable to obtain possession and the right to enter upon and use the required rights-of-way, lands, or interest in lands, improved or unimproved, required for any project authorized by this section with sufficient promptness, the Secretary is authorized to acquire, enter upon, take possession thereof, and expend funds for projects thereon, prior to approval of title by the Attorney General, in the name of the United States, such rights-of-way, lands, or interest in lands as may be required in such State for such projects by purchase, donation, condemnation, or otherwise in accordance with the laws of the United States (including the Act of February 26, 1931; 46 Stat. 1421). The cost incurred by the Secretary in acquiring any such rights-of-way, lands, or interest in lands may include the cost of examination and abstract of title, certificate of title, advertising, and any fees incidental to such acquisition; and shall be payable out of the funds available for paying the cost or the Federal share of the cost of the project for which such rights-of-way, lands, or interests in lands are acquired. The Secretary is further authorized and directed by proper deed executed in the name of the United States to convey any lands or interests in lands acquired in any State under the provisions of prior Acts or of this section to the State highway department of such State or to such political subdivision thereof as its laws may provide, upon such terms and conditions as may be agreed upon by the Secretary and the State highway department, or political subdivisions to which the conveyance is to be made.

(f) The provisions of section 112 of this title are applicable to defense access roads.

#### **§ 211. Timber access road hearings**

With respect to any proposed construction of a timber access road from funds authorized for carrying out the provisions of sections 204, 205, and 210 of this title, advisory public hearings may be held at a place of convenient or adjacent to the area of construction with notice and reasonable opportunity for interested persons to present their views as to the practicability and feasibility of such construction.

#### **§ 212. Inter-American Highway**

(a) Funds appropriated for the Inter-American Highway shall be used to enable the United States to cooperate with the Governments of the American Republics situated in Central America—that is, with the Governments of the Republic of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama—in the survey and con-



struction of the Inter-American Highway within the borders of the aforesaid Republics, respectively. Not to exceed one-third of the appropriation authorized for each fiscal year may be expended without requiring the country or countries in which such funds may be expended to match any part thereof, if the Secretary of State shall find that the cost of constructing said highway in such country or countries will be beyond their reasonable capacity to bear. The remainder of such authorized appropriations shall be available for expenditure only when matched to the extent required by this section by the country in which such expenditure may be made. Expenditures from the funds available on a matching basis shall not be made for the survey and construction of any portion of said highway within the borders of any country named herein unless such country shall provide and make available for expenditure in conjunction therewith a sum equal to at least one-third of the expenditures that may be incurred by that Government and the United States on such portion of the highway. All expenditures by the United States under the provisions of this section for material, equipment, and supplies shall, whenever practicable, be made for products of the United States or of the country in which such survey or construction work is being carried on. Construction work to be performed under contract shall be advertised for a reasonable period by the Minister of Public Works, or other similar official, of the government concerned in each of the participating countries and contracts shall be awarded pursuant to such advertisements with the approval of the Secretary. No part of the appropriations authorized shall be available for obligation or expenditure for work on said highway in any cooperating country unless the government of said country shall have assented to the provisions of this section; shall have furnished satisfactory assurances that it has an organization adequately qualified to administer the functions required of such country under the provisions hereof; and then only as such country may submit requests, from time to time, for the construction of any portion of the highway to standards adequate to meet present and future traffic needs. No part of said appropriations shall be available for obligation or expenditure in any such country until the government of that country shall have entered into an agreement with the United States which shall provide, in part, that said country—

- (1) will provide, without participation of funds authorized, all necessary rights-of-way for the construction of said highway, which rights-of-way shall be of a minimum width where prac-

licable of one hundred meters in rural areas and fifty meters in municipalities and shall forever be held inviolate as a part of the highway for public use;

(2) will not impose any highway toll, or permit any such toll to be charged, for use by vehicles or persons of any portion of said highway constructed under the provisions of this section;

(3) will not levy or assess, directly or indirectly, any fee, tax, or other charge for the use of said highway by vehicles or persons from the United States that does not apply equally to vehicles or persons of such country;

(4) will continue to grant reciprocal recognition of vehicle registration and drivers' licenses in accordance with the provisions of the Convention for the Regulation of Inter-American Automotive Traffic, which was opened for signature at the Pan American Union in Washington on December 15, 1943, and to which such country and the United States are parties, or of any other treaty or international convention establishing similar reciprocal recognition; and

(5) will provide for the maintenance of said highway after its completion in condition adequately to serve the needs of present and future traffic.

(b) The survey and construction work authorized by this section shall be under the administration of the Secretary, who shall consult with the appropriate officials of the Department of State with respect to matters involving the foreign relations of this Government, and such negotiations with the Governments of the American Republics named in subsection (a) of this section as may be required to carry out the purposes of this section shall be conducted through, or as authorized by, the Department of State.

(c) The provisions of this section shall not create nor authorize the creation of any obligations on the part of the Government of the United States with respect to any expenditures for highway construction or survey heretofore or hereafter undertaken in any of the countries enumerated in subsection (a) of this section, other than the expenditures authorized by the provisions of this section.

(d) Appropriations made pursuant to any authorizations heretofore, or hereafter enacted for the Inter-American Highway shall be considered available for expenditure by the Secretary for necessary administrative and engineering expenses in connection with the Inter-American Highway program.

### § 213. Rama Road

(a) Recognizing the mutual benefits that will accrue to the Republic of Nicaragua and to the United States from the completion of the road from San Benito to Rama in said Republic of Nicaragua, the construction of which road was begun and partially completed pursuant to an agreement between said Republic and the United States, the Secretary is authorized out of the funds appropriated for such purposes to provide for the construction of such road. Appropriations made for such purposes shall remain available until expended. No expenditure shall be made hereunder for the construction of said road until a request therefor shall have been received by the Secretary of State from the Government of the Republic of Nicaragua nor until an agreement shall have been entered into by said Republic with the the Secretary of State which shall provide, in part, that said Republic—

(1) will provide, without participation of funds authorized under this title, or under prior Acts, all necessary right-of-way for the construction of said highway, which right-of-way shall be of a minimum width, where practicable, of one hundred meters in rural areas and fifty meters in municipalities and shall forever be held inviolate as a part of the highway for public use;

(2) will not impose any highway toll, or permit any such toll to be charged for the use of said highway by vehicles or persons;

(3) will not levy or assess, directly or indirectly, any fee, tax, or other charge for the use of said road by vehicles or persons from the United States that does not apply equally to vehicles or persons of such Republic;

(4) will continue to grant reciprocal recognition of vehicle registration and drivers' licenses in accordance with the provisions of the Convention for the Regulation of Inter-American Automotive Traffic, which was opened for signature at the Pan American Union in Washington on December 15, 1943, and to which such Republic and the United States are parties; or any other treaty or international convention establishing similar reciprocal recognition; and

(5) will maintain said road after its completion in proper condition adequately to serve the needs of present and future traffic.

(b) The funds appropriated for such purposes shall be available for expenditure in accordance with the terms of this section for the



survey and construction of said road from San Benito to Rama in the Republic of Nicaragua without being matched by said Republic, and all expenditures made under the provisions of this section for materials, equipment, and supplies, shall, whenever practicable, be made for products of the United States or of the Republic of Nicaragua.

(c) The survey and construction work undertaken pursuant to this section shall be under the general supervision of the Secretary.

### CHAPTER 3. GENERAL PROVISIONS

Sec.

- 301. Freedom from tolls.
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- 304. Participation by small-business enterprises.
- 305. Archeological and paleontological salvage.
- 306. Mapping.
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- 309. Cooperation with other American Republics.
- 310. Civil Defense.
- 311. Highway improvements strategically important to the national defense.
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- 318. Appropriation for highway purposes of lands or interests in lands owned by the United States.
- 319. Highway relocation due to airport.
- 320. Landscaping.
- 321. Bridges on Federal dams.

#### § 301. Freedom from tolls

Except as provided in section 129 of this title with respect to certain toll bridges and toll tunnels, all highways constructed under the provisions of this title shall be free from tolls of all kinds.

#### § 302. State highway department

(a) Any State desiring to avail itself of the provisions of this title shall have a State highway department which shall have adequate powers, and be suitably equipped and organized to discharge to the satisfaction of the Secretary the duties required by this title. Among other things, the organization shall include a secondary road unit.

(b) The State highway department may arrange with a county or group of counties for competent highway engineering personnel suitably organized and equipped to the satisfaction of the State highway department, to supervise construction and maintenance on a county-unit or group-unit basis, for the construction of projects on the Federal-aid secondary system, financed with secondary funds, and for the maintenance thereof.

### **§ 303. Bureau organization**

(a) The Bureau of Public Roads shall be in the Department of Commerce as a primary unit administered by the Federal Highway Administrator, appointed by the President by and with the advice and consent of the Senate. The Administrator shall receive basic compensation at the rate prescribed by law for Assistant Secretaries of executive departments and shall perform such duties as the Secretary of Commerce may prescribe or as may be required by law. There shall be a Commissioner of Public Roads in the Bureau of Public Roads who shall be appointed by the Secretary and perform such duties as may be prescribed by the Federal Highway Administrator. The Commissioner of Public Roads shall receive basic compensation at the rate of \$17,500 per annum.

(b) The Secretary is authorized to employ such assistants, clerks, and other persons in the city of Washington and elsewhere, to be taken from the eligible lists of the Civil Service Commission, to rent buildings outside of the city of Washington, to purchase such supplies, material, equipment, office fixtures and apparatus, to advertise in the city of Washington for work to be performed in areas adjacent thereto, and to incur, and authorize the incurring of, such travel and other expenses as he may deem necessary for carrying out the functions under this title.

(c) The Secretary is authorized to procure temporary services in accordance with the provisions of section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), but at rates for individuals not in excess of \$100 per diem.

### **§ 304. Participation by small business enterprises**

It is declared to be in the national interest to encourage and develop the actual and potential capacity of small business and to utilize this important segment of our economy to the fullest practicable extent in construction of the Federal-aid highway systems, including the Interstate System. In order to carry out that intent and encourage full and free competition, the Secretary should assist, insofar as feasible, small business enterprises in obtaining contracts in connection with the prosecution of the highway program.

### **§ 305. Archeological and paleontological salvage**

Funds authorized to be appropriated under the Federal-Aid Highway Act of 1956, to the extent approved as necessary by the highway department of any State, may be used for archeological and paleontological salvage in that State in compliance with the Act entitled "An

Act for the preservation of American antiquities", approved June 8, 1906 (34 Stat. 225), and State laws where applicable.

### **§ 306. Mapping**

In carrying out the provisions of this title, the Secretary may, wherever practicable, authorize the use of photogrammetric methods in mapping, and the utilization of commercial enterprise for such services.

### **§ 307. Research and planning**

(a) The Secretary is authorized in his discretion to engage in research on all phases of highway construction, modernization, development, design, maintenance, safety, financing, and traffic conditions, including the effect thereon of State laws and is authorized to test, develop, or assist in the testing and developing of any material, invention, patented article, or process. The Secretary may publish the results of such research. The Secretary may carry out the authority granted hereby, either independently, or in cooperation with any other branch of the Government, State agency, authority, association, institution, corporation (profit or nonprofit), or any other organization, or person. The funds required to carry out the provisions of this subsection shall be taken out of the administrative and research funds authorized by section 104 of this title and such funds as may be deposited in a special account with the Secretary of the Treasury for such purposes by any cooperating organization or person. The provisions of section 3709 of the Revised Statutes, as amended (41 U. S. C. 5), shall not be applicable to contracts or agreements made under the authority of this subsection.

(b) The Secretary shall include in the highway research program herein authorized studies of economic highway geometrics, structures, and desirable weight and size standards for vehicles using the public highways and of the feasibility of uniformity in State regulations with respect to such standards and he shall report from time to time to the Committees on Public Works of the Senate and of the House of Representatives on the progress and findings with respect to such studies.

(c) Not to exceed 1½ per centum of the sums apportioned for any year to any State under section 104 of this title shall be available for expenditure upon request of the State highway department, with the approval of the Secretary, with or without State funds, for engineering and economic surveys and investigations, for the planning of future highway programs and the financing thereof, for studies of the



economy, safety, and convenience of highway usage and the desirable regulation and equitable taxation thereof, and for research necessary in connection with the planning, design, construction, and maintenance of highways and highway systems, and the regulation and taxation of their use.

### **§ 308. Cooperation with Federal and State agencies and foreign countries**

(a) The Secretary is authorized to perform by contract or otherwise, authorized engineering or other services in connection with the survey, construction, maintenance, or improvement of highways for other Government agencies, cooperating foreign countries, and State cooperating agencies, and reimbursement for such services, which may include depreciation on engineering and road-building equipment used, shall be credited to the appropriation concerned.

(b) Appropriations for the work of the Bureau of Public Roads shall be available for expenses of warehouse maintenance and the procurement, care, and handling of supplies, materials, and equipment for distribution to projects under the supervision of the Bureau of Public Roads, or for sale or distribution to other Government agencies, cooperating foreign countries, and State cooperating agencies, and the cost of such supplies and materials or the value of such equipment, including the cost of transportation and handling, may be reimbursed to current applicable appropriations.

### **§ 309. Cooperation with other American Republics**

The President is authorized to utilize the services of the Bureau of Public Roads in fulfilling the obligations of the United States under the Convention on the Pan-American Highway Between the United States and Other American Republics (51 Stat. 152), cooperating with several governments, members of the Organization of American States, in connection with the survey and construction of the Inter-American Highway, and for performing engineering service in the other American Republics for and upon the request of any agency or governmental corporation of the United States. To the extent authorized in appropriation acts, administrative funds available in accordance with subsection (a) of section 104 of this title shall be available annually for the purpose of this section.

### **§ 310. Civil defense**

In order to assure that adequate consideration is given to civil defense aspects in the planning and construction of highways constructed or reconstructed with the aid of Federal funds, the Secre-

tary of Commerce is authorized and directed to consult, from time to time, with the Federal Civil Defense Administrator relative to the civil defense aspects of highways so constructed or reconstructed.

**§ 311. Highway improvements strategically important to the national defense**

Funds made available under subsection (a) of section 104 of this title may be used to pay the entire engineering costs of the surveys, plans, specifications, estimates, and supervision of construction of projects for such urgent improvements of highways strategically important from the standpoint of the national defense as may be undertaken on the order of the Secretary and as the result of request of the Secretary of Defense or such other official as the President may designate. With the consent of a State, funds made available under subsection (b) of section 104 of this title may be used to the extent deemed necessary and advisable by the Secretary to carry out the provisions of this section.

**§ 312. Detail of Army, Navy, and Air Force officers**

The Secretary of Defense, upon request of the Secretary, is authorized to make temporary details to the Bureau of Public Roads of officers of the Army, the Navy, and the Air Force, without additional compensation, for technical advice and for consultation regarding highway needs for the national defense. Travel and subsistence expenses of officers so detailed shall be paid from appropriations available to the Department of Commerce on the same basis as authorized by law and by regulations of the Department of Defense for such officers.

**§ 313. Highway Safety Conference**

The Secretary is authorized and directed to assist in carrying out the action program of the President on highway safety, and to cooperate with the State highway departments and other agencies in this program to advance the cause of safety on highways. Not to exceed \$150,000 out of the administrative funds made available in accordance with subsection (a) of section 104 of this title may be expended annually for the purposes of this section.

**§ 314. Relief of employees in hazardous work**

The Secretary is authorized in an emergency to use appropriations to the Department of Commerce for carrying out the provisions of this title for medical supplies, services, and other assistance necessary for the immediate relief of employees of the Bureau of Public Roads engaged in hazardous work.

**§ 315. Detail of employees as students**

During any fiscal year the Secretary is authorized in his discretion to detail not to exceed ten of the regularly employed personnel of the Bureau of Public Roads as students for limited periods at such technical institutions as will enable such personnel to acquire special knowledge which will better fit them for the lines of work to which they are assigned. No expense other than the salaries of such personnel and the cost of tuition and other regular fees required at such institutions shall be incurred by the Secretary under this section.

**§ 316. Rules, regulations, and recommendations**

Except as provided in sections 204 (d), 205 (a), 206 (b), 207 (b), and 208 (c) of this title, the Secretary is authorized to prescribe and promulgate all needful rules and regulations for the carrying out of the provisions of this title. The Secretary may make such recommendations to the Congress and State highway departments as he deems necessary for preserving and protecting the highways and insuring the safety of traffic thereon.

**§ 317. Consent by United States to conveyance of property**

For the purposes of this title the consent of the United States is given to any railroad or canal company to convey to the State highway department of any State, or its nominee, any part of its right-of-way or other property in that State acquired by grant from the United States.

**§ 318. Appropriation for highway purposes of lands or interests in lands owned by the United States**

(a) If the Secretary determines that any part of the lands or interests in lands owned by the United States is reasonably necessary for the right-of-way of any highway, or as a source of materials for the construction or maintenance of any such highway adjacent to such lands or interests in lands, the Secretary shall file with the Secretary of the Department supervising the administration of such lands or interests in lands owned by the United States is reasonably interests in lands which it is desired to appropriate.

(b) If within a period of four months after such filing, the Secretary of such Department shall not have certified to the Secretary that the proposed appropriation of such land or material is contrary to the public interest or inconsistent with the purposes for which such land or materials have been reserved, or shall have agreed to the appropriation and transfer under conditions which he deems necessary for the adequate protection and utilization of the reserve, then such land and materials may be appropriated and transferred to the State



highway department, or its nominee, for such purposes and subject to the conditions so specified.

(c) If at any time the need for any such lands or materials for such purposes shall no longer exist, notice of the fact shall be given by the State highway department to the Secretary and such lands or materials shall immediately revert to the control of the Secretary of the Department from which they had been appropriated.

(d) The provisions of this section shall apply only to projects constructed on a Federal-aid system or under the provisions of chapter 2 of this title.

### **§ 319. Highway relocation due to airport**

Federal highway funds shall not be used for the reconstruction or relocation of any highway giving access to an airport constructed or extended after December 20, 1944, or for the reconstruction or relocation of any highway which has been or may be closed or the usefulness of which has been or may be impaired by the location or construction of any airport constructed or extended after December 20, 1944, unless, prior to such construction or extension, as the case may be, the State highway department and the Secretary have concurred with the officials in charge of the airport that the location of such airport or extension thereof and the consequent reconstruction or relocation of the highway are in the public interest.

### **§ 320. Landscaping**

The construction of highways by the States with funds apportioned in accordance with section 104 of this title may include such roadside and landscape development, including such sanitary and other facilities as may be deemed reasonably necessary to provide for the suitable accommodation of the public, all within the highway right-of-way and adjacent publicly owned or controlled rest and recreational areas of limited size and with provision for convenient and safe access thereto by pedestrian and vehicular traffic, as may be approved by the Secretary. Such construction likewise may include the purchase of such adjacent strips of land of limited width and primary importance for the preservation of the natural beauty through which highways are constructed, as may be approved by the Secretary. Not to exceed 3 per centum of such sums, apportioned to a State in any fiscal year in accordance with section 104 of this title may be used by it for the purchase of such adjacent strips of land without being matched by such State.

**§ 321. Bridges on Federal dams**

(a) Each executive department, independent establishment, office, board, bureau, commission, authority, administration, corporation wholly owned or controlled by the United States, or other agency of the Government of the United States, hereinafter collectively and individually referred to as "agency", which on or after July 29, 1946, has jurisdiction over and custody of any dam constructed or to be constructed and owned by or for the United States, is authorized, with any funds available to it, to design and construct any such dam in such manner that it will constitute and serve as a suitable and adequate foundation to support a public highway bridge upon and across such dam, and to design and construct upon the foundation thus provided a public highway bridge upon and across such dam. The highway department of the State in which such dam shall be located, jointly with the Secretary, shall first determine and certify to such agency that such bridge is economically desirable and needed as a link in the State or Federal-aid highway systems, and shall request such agency to design and construct such dam so that it will serve as a suitable and adequate foundation for a public highway bridge and to design and construct such public highway bridge upon and across such dam, and shall agree to reimburse such agency pursuant to subsection (d) of this section for any additional costs which it may be required to incur because of the design and construction of such dam so that it will serve as a foundation for a public highway bridge and for expenditures which it may find it necessary to make in designing and constructing such public highway bridge upon and across such dam. In no case shall the design and construction of a bridge upon and across such dam be undertaken hereunder except by the agency having jurisdiction over and custody of the dam, acting directly or through contractors employed by it, and after such agency shall determine that it will be structurally feasible and will not interfere with the proper functioning and operation of the dam.

(b) Construction of any bridge upon and across any dam pursuant to this section shall not be commenced unless and until the State in which such bridge is to be located, or the appropriate subdivision of such State, shall enter into an agreement with such agency and with the Secretary to construct, or cause to be constructed, with or without the aid of Federal funds, the approach roads necessary to connect such bridge with existing public highways and to maintain, or cause to be maintained, such approach roads from and after their completion.

Such agreement may also provide for the design and construction of such bridge upon and across the dam by such agency of the United States and for reimbursing such agency the costs incurred by it in the design and construction of the bridge as provided in subsection (d) of this section. Any such agency is hereby authorized to convey to the State, or to the appropriate subdivision thereof, without costs, such easements and rights-of-way in its custody or over lands of the United States in its custody and control as may be necessary, convenient, or proper for the location, construction, and maintenance of the approach roads referred to in this section including such roadside parks or recreational areas of limited size as may be deemed necessary for the accommodation of the traveling public. Any bridge constructed pursuant to this section upon and across a dam in the custody and jurisdiction of any agency of the United States, including such portion thereof, if any, as may extend beyond the physical limits of the dam, shall constitute and remain a part of said dam and be maintained by the agency. Any such agency may enter into any such contracts and agreements with the State or its subdivisions respecting public use of any bridge so located and constructed as may be deemed appropriate, but no such bridge shall be closed to public use by the agency except in cases of emergency or when deemed necessary in the interest of national security.

(c) All costs and expenses incurred and expenditures made by any agency in the exercise of the powers and authority conferred by this section (but not including any costs, expenses, or expenditures which would have been required in any event to satisfy a legal road or bridge relocation obligation or to meet operating or other agency needs) shall be recorded and kept separate and apart from the other costs, expenses, and expenditures of such agency, and no portion thereof shall be charged or allocated to flood control, navigation, irrigation, fertilized production, the national defense, the development of power, or other program, purpose, or function of such agency.

(d) Not to exceed \$10,000,000 of any money heretofore or hereafter appropriated for expenditure in accordance with the provisions of this title or prior Acts shall be available for expenditure by the Secretary in accordance with the provisions of this section, as an emergency fund, to reimburse any agency for any additional costs or expenditures which it may be required to incur because of the



design and construction of any such dam so that it will constitute and serve as a foundation for a public highway bridge upon and across such dam and to reimburse any such agency for any costs, expenses, or expenditures which it may be required to make in designing and constructing any such bridge upon and across a dam in accordance with the provisions of this section, except such costs, expenses, or expenditures as would have been required of such agency in any event to satisfy a legal obligation to relocate a highway or bridge or to meet operating or other agency needs, and there is authorized to be appropriated any sum or sums necessary to reimburse the funds so expended by the Secretary from time to time under the authority of this section. Of each bridge constructed upon and across a dam under the provisions of this section, there may be financed wholly with Federal funds that portion thereof which is located within the physical limits of the masonry structure, or structures, of the dam, and the Secretary shall in his sole discretion determine what additional portion of the bridge, if any, may be so financed, such determination to be final and conclusive. The remainder of the bridge, and any necessary related approach roads, shall be financed by the State or its appropriate subdivision with or without the aid of Federal funds; but said portion of the bridge so financed by the State or its subdivisions, including such portion thereof, if any, as may extend beyond the physical limits of the dam, shall nevertheless be designed and constructed solely by the agency having custody and jurisdiction of the dam as provided in subsection (a) of this section.

(e) In making, reviewing, or approving the design of any bridge or approach structure to be constructed under this section, the agency shall, in matters relating to roadway design, loadings, clearances and widths, and traffic safeguards, give full consideration to and be guided by the standards and advice of the Secretary.

(f) The authority conferred by this section shall be in addition to and not in limitation of authority conferred upon any agency by any other law, and nothing in this section contained shall affect or be deemed to relate to any bridge, approach structure, or highway constructed or to be constructed by any such agency in furtherance of its lawful purposes and requirements or to satisfy a legal obligation incurred independently of this section.

#### REPEAL OF PRIOR ACTS

SEC. 2. The following Acts and portion of Acts cited by reference to the Statutes at Large, except for the provisions and sections hereinafter excepted, are hereby repealed:

1. Act of July 11, 1916 (39 Stat., ch. 241, page 355).

2. Sections 5, 6, 7, 8, and 9 of Act of February 28, 1919 (40 Stat., ch. 60, page 1189 at 1200-1202).

3. Act of November 9, 1921 (42 Stat., ch. 119, page 212).

4. Section 4 of Act of June 19, 1922 (42 Stat., ch. 227, page 652 at 660-661).

5. Section 1 of Act of March 10, 1924 (43 Stat., ch. 46, page 17).

6. Act of February 12, 1925 (43 Stat., ch. 219, page 889).

7. Act of June 22, 1926 (44 Stat., ch. 648, page 760).

8. Act of March 3, 1927 (44 Stat., ch. 370, page 1398).

9. Act of May 21, 1928 (45 Stat., ch. 660, page 683).

10. Act of May 26, 1928 (45 Stat., ch. 755, page 750).

11. Act of April 4, 1930 (46 Stat., ch. 105, page 141).

12. Act of May 5, 1930 (46 Stat., ch. 226, page 261).

13. Act of June 24, 1930 (46 Stat., ch. 593, page 805).

14. Act of February 20, 1931 (46 Stat., ch. 231, page 1173).

15. Act of February 23, 1931 (46 Stat., ch. 283, page 1415).

16. Section 304 of Act of July 21, 1932 (47 Stat., ch. 520, page 709 at 722).

17. Subsection (g) of section 204 of Act of June 16, 1933 (48 Stat., ch. 90, page 195 at 204).

18. Act of June 18, 1934 (48 Stat., ch. 586, page 993).

19. Act of June 16, 1936 (49 Stat., ch. 582, page 1519).

20. Act of June 23, 1936 (49 Stat., ch. 730, page 1891).

21. Act of June 8, 1938 (52 Stat., ch. 328, page 633), except the following provision: Section 4 thereof.

22. Act of July 19, 1939 (53 Stat., ch. 328, page 1066).

23. Act of September 5, 1940 (54 Stat., ch. 715, page 867).

24. Act of November 19, 1941 (55 Stat., ch. 474, page 765).

25. Act of July 2, 1942 (56 Stat., ch. 474, page 562).

26. Act of July 13, 1943 (57 Stat., ch. 236, page 560), except the following provision: Subsection (a) of section 7 thereof.

27. Act of April 4, 1944 (58 Stat., ch. 164, page 189).
28. Act of December 20, 1944 (58 Stat., ch. 626, page 838).
29. Act of July 31, 1945 (59 Stat., ch. 333, page 507).
30. Act of July 29, 1946 (60 Stat., ch. 694, page 709).
31. Act of June 21, 1947 (61 Stat., ch. 114, page 136).
32. Act of June 29, 1948 (62 Stat., ch. 732, page 1105).
33. Act of September 7, 1950 (64 Stat. 785).
34. Act of October 15, 1951 (65 Stat., ch. 501, page 421), except the following provision: Section 1 thereof.
35. Act of October 16, 1951 (65 Stat., ch. 507, page 422).
36. Act of June 25, 1952 (66 Stat., ch. 462, page 158), except the following provisions:
  - (a) The first two paragraphs of section 1;
  - (b) The first sentence of section 2;
  - (c) In section 3 in the first sentence the following words: "For the purpose of carrying out the provisions of section 23 of the Federal Highway Act (42 Stat. 218), as amended and supplemented, there is hereby authorized to be appropriated (1) for forest highways the sum of \$22,500,000 for the fiscal year ending June 30, 1954, and a like sum for the fiscal year ending June 30, 1955, and (2) for forest development roads and trails the sum of \$22,500,000 for the fiscal year ending June 30, 1955.";
  - (d) In subsection (a) of section 4 the following words: "For the construction, reconstruction, and improvement of roads and trails, inclusive of necessary bridges, in national parks, monuments, and other areas administered by the National Park Service, including areas authorized to be established as national parks and monuments, and national park and monument approach roads authorized by the Act of January 31, 1931 (46 Stat. 1053), as amended, there is hereby authorized to be appropriated the sum of \$10,000,000 for the fiscal year ending June 30, 1955.";
  - (e) Subsection (b) of section 4;
  - (f) In subsection (c) of section 4 the following words: "For the construction, improvement, and maintenance of Indian reservation roads and bridges and roads and bridges to provide access to Indian reservations and Indian lands under the provisions of the Act approved May 26, 1928 (45 Stat. 750), there is hereby authorized to be appropriated the sum of \$10,000,000 for the fiscal year ending June 30, 1955.";
  - (g) In the first sentence of section 5 the following words: "Recognizing the mutual benefits that will accrue to the Republic of Nica-



ragua and to the United States from the completion of the road from San Benito to Rama in said Republic of Nicaragua, the construction of which road was begun and partially completed pursuant to an agreement between said Republic and the United States, there is hereby authorized to be appropriated \$2,000,000 for the fiscal year ending June 30, 1954, for the construction of such road, to be available until expended.”;

(h) The first sentence of section 6;

(i) In section 8 the following words: “For the purpose of carrying out the provisions of section 10 of the Federal-Aid Highway Act of 1950 (64 Stat. 785), there is hereby authorized to be appropriated for the survey, construction, reconstruction, and maintenance of main roads through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations the sum of \$2,500,000 for the fiscal year ending June 30, 1955, to remain available until expended.”

(j) Section 10 to the first proviso.

37. Act of May 6, 1954 (68 Stat., ch. 181, page 70), except the following provisions:

(a) The first two paragraphs of section 1;

(b) The last five provisos of section 1;

(c) The first sentence of subsection (a) of section 2;

(d) The first sentence of section 3 to the word “*Provided*”;

(e) Section 4 to the word “*Provided*”;

(f) Section 5;

(g) The first sentence of section 7;

(h) Section 8 to the word “*Provided*”;

(i) Section 14;

(j) Section 18; and

(k) Section 22.

38. Title I of the Act of June 29, 1956 (70 Stat. 374), except the following provisions:

(a) Subsection (a) (1) (2) of section 102;

(b) The first sentence of section 103 (a) to the word “*Provided*”;

(c) Section 104 (a), section 104 (b) and section 104 (c), to the word “*Provided*”;

(d) Section 105;

(e) Subsections (b), (c) and (d) of section 107;

(f) Section 108 (b) and (c);

(g) Section 108 (k);

(h) Section 114;

- (i) Section 117; and
- (j) The last proviso of section 118.

39. Sections 1 and 3 of the Act approved August 3, 1956 (70 Stat. 990).

40. Act of April 16, 1958 (72 Stat. 89) except the following provisions:

- (a) Subsection (a) (1) (2) of section 1;
- (b) Section 2;
- (c) The first sentence of section 3 (a) to the word "*Provided*" and the third, fourth and fifth provisos;
- (d) Subsection (b) of section 3;
- (e) Section 4 (a), section 4 (b) and section 4 (c) to the word "*Provided*";
- (f) Section 5;
- (g) Section 7;
- (h) Section 8; and
- (i) Section 9.

#### CONSTRUCTION

SEC. 3. (a) If any provision of title 23, as enacted by section 1 of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the title and the application of the provision to other persons or circumstances shall not be affected thereby.

(b) The provisions of this Act shall be subject to Reorganization Plan Numbered 5 of 1950 (64 Stat. 1263).

#### SAVINGS CLAUSE

SEC. 4. Any rights or liabilities now existing under prior Acts or portions thereof shall not be affected by the repeal of such prior Acts or portions under section 2 of this Act.

#### REPORT AND RECOMMENDATIONS

SEC. 5. The Secretary of Commerce is hereby directed to submit to the Congress not later than February 1, 1959, a report on the progress made in attaining the objectives set forth in section 101 of title 23, as enacted by section 1 of this Act, together with recommendations.

Passed the House of Representatives June 26, 1958.

Attest:

RALPH R. ROBERTS,  
*Clerk.*







86TH CONGRESS  
2D SESSION

H. R. 12776

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## AN ACT

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To revise, codify, and enact into law, title 23  
of the United States Code, entitled "High-  
ways".

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JUNE 27 (legislative day, JUNE 24), 1958

Read twice and referred to the Committee on  
Public Works







*Senate July 23, 1958*

The Interstate and Foreign Commerce Committee ordered reported without amendment H. R. 13138, to amend the Coordination Act so as to provide more effective integration of fish and wildlife conservation programs with Federal water development programs. p. D723

15. FISHERIES. The Daily Digest reported that the Interstate and Foreign Commerce Committee "tentatively approved with amendment S. 2973, to authorize the establishment of a Fishery Extension Service in the Department of the Interior." p. D723
16. RECLAMATION. The Interior and Insular Affairs Committee reported with amendments the following bills:
  - S. 3448, to permit the Secretary of the Interior to fix the size of farm units on the Seedskaadee reclamation project at more than 160 acres in certain circumstances (S. Rept. 1906). p. 13447
  - H. R. 8645, to amend the Reclamation Project Act regarding the repayment of contracts on reclamation projects (S. Rept. 1907). p. 13447
17. WATER UTILIZATION. The Judiciary Committee reported with amendment S. 1416, granting the consent of Congress to a Great Lakes Basin Compact (S. Rept. 1888). p. 13447
18. HIGHWAYS. The Public Works Committee reported with amendments S. 3953, to revise, codify, and enact title 23 of the U. S. Code, on "Highways." (S. Rept. 1928). p. 13448
19. WATER RESOURCES. The Interior and Insular Affairs and the Public Works Committees reported jointly, with amendments, S. Res. 248, to authorize hearings on the relationships of water resource development programs of the U. S., the U. S. S. R. and Communist China (S. Rept. 1926). p. 13448
20. ECONOMIC SITUATION. Sen. Bush discussed the current economic situation and the probability of a \$12 billion budget deficit in fiscal year 1959, and inserted two articles on the subject. pp. 13460-2
21. LEGISLATIVE PROGRAM. Sen. Johnson announced: "We hope it will be possible for the Senate to complete its action on the farm bill before the end of the week." p. 13446

#### ITEMS IN APPENDIX

22. CONSERVATION. Extension of remarks of Sen. Wiley outlining the major achievements and accomplishments of soil conservation programs in Wisc. pp. A6615-6
23. PUBLIC WORKS. Extension of remarks of Rep. Roberts urging appropriations for the development of the Coosa-Alabama River. p. A6617
24. FARM PROGRAM. Rep. Harrison, Nebr., inserted an editorial, "Farm Bill Compromise." p. A6624
25. AREA DEVELOPMENT. Rep. Van Zandt inserted an editorial, "Depressed Areas Need Help of Congress Now," suggesting reasons why Congress should approve area-redevelopment legislation before adjournment. p. A6624
26. WOOL. Rep. Berry stated that it is impossible to express the "absolute necessity" for the extension of the National Wool Act. pp. A6624-5

27. PEST CONTROL. Rep. Reuss inserted an article, "Chemical Control of Pests Requires Detailed Research." p. A6628

BILLS INTRODUCED

28. WHEAT. H. R. 13512, by Rep. Denton, to permit all wheat farmers (including those who plant less than 15 acres of wheat) to vote in any wheat marketing quota referendum; to Agriculture Committee.
29. RESEARCH. H. R. 13513, by Rep. Hill, to provide for further research relating to new and improved uses which offer expanding markets for farm and forest products; to Agriculture Committee.
30. LANDS. H. R. 13514, by Rep. Thompson, La., and H. R. 13515, by Rep. Willis, to amend the act of December 22, 1928, relating to the issuance of patents to tracts of public land held under color of title, to provide that patents may be issued under such act without reservation of minerals; to Interior and Insular Affairs Committee.

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COMMITTEE HEARINGS ANNOUNCEMENTS:

July 24: Authority to make grants to research institutions, H. Commerce (Fracker, ARS, to testify).

H. Agriculture subcommittee on cotton (exec).

Purchasing policies of Federal agencies, S. Small Business (GSA to testify).

Settlement of employee grievances, H. Civil Service.

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## REVISING, CODIFYING, AND ENACTING INTO LAW TITLE 23 OF THE UNITED STATES CODE ENTITLED "HIGH- WAYS"

JULY 23, 1958.—Ordered to be printed

Mr. CHAVEZ, from the Committee on Public Works, submitted the  
following

### REPORT

[To accompany S. 3953]

The Committee on Public Works, to whom was referred the bill (S. 3953) to revise, codify, and enact into law title 23 of the United States Code entitled "Highways", having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

1. Page 6, section 103 (f) is amended by striking out "title" and inserting in lieu thereof "chapter".

2. Page 21, strike out the last sentence in section 120 (d), change the period to a colon and insert in lieu thereof

*"Provided, That not more than 10 per centum of all the sums apportioned for all the Federal-aid systems for any fiscal year in accordance with section 104 of this title shall be used under this subsection."*

3. Page 22, section 121 (d) strike out "the Federal share of 10 per centum" and insert in lieu thereof "10 per centum of the Federal share".

4. Page 25, the side heading of section 127 is amended by striking out "limitation" and inserting in lieu thereof "limitations".

5. Page 27, section 129 (b) is amended by striking out in the last sentence thereof "Nor" and inserting in lieu thereof "No".

6. Page 28, section 130 (a) is amended by striking out "affected" and inserting in lieu thereof "effected".

7. Page 28, section 130 (b) line 5, after "railroad" insert "or railroads".

8. Page 30, section 131 (b) is amended by striking out "*: Provided however, That*" and inserting in lieu thereof a comma and the following: "and".

9. Page 30, section 131 (c) is amended by striking out "*: Provided, That the*" and inserting in lieu thereof a period and the following: "The".

10. Page 31, section 131 (e) is amended by striking out "*: Provided, That reimbursement*" and inserting in lieu thereof a period and the following: "Reimbursement".

11. Page 32, section 202 (c) strike out "more than 5 per centum of their area in".

12. Page 39, section 213 (c) (5) is amended by striking out "neds" and inserting in lieu thereof "needs".

13. Page 41, section 303 (c) is amended by striking out "\$100 diem" and inserting in lieu thereof "\$100 per diem".

14. Page 45, strike out section 315, and renumber following sections.

15. Page 45, section 318 (a) is amended by striking out "detremines" and inserting in lieu thereof "determines".

16. In the interest of uniformity of style the subsection side headings which were contained in certain sections of the introduced bill were all stricken out.

Most of the committee amendments are technical in nature, designed to clarify typographical errors and otherwise to conform the bill to the style used throughout.

#### PURPOSE OF THE BILL

The purpose of this bill is to revise, modify, clarify and enact into law title 23 of the United States Code.

Revision, as distinguished from codification, means the substitution of plain language for awkward terms, reconciliation of conflicting laws, omission of superseded sections, and consolidation of similar provisions. The purpose of this revision is not to change substantive law, but to put that law in a form which will be more useful and understandable.

The first Federal-Aid Road Act was approved on July 11, 1916. Since that date, Congress has enacted about 40 separate laws on the subject, excluding appropriation acts. Many new provisions were inserted in the various enactments. The existing laws contain provisions which are obsolete and which have amended, supplemented, or repealed, expressly or by implication, earlier provisions of law. As a result, the necessity of dealing with these many enactments has made the administration of the Federal-aid highway program difficult. The bill will place in a one-package enactment a clear, concise, up-to-date version of all the existing Federal highway laws in an orderly and logical arrangement. While the bill contains certain technical refinements and language changes to conform to existing practices and procedures, it is not intended to change any of the fundamental and underlying concepts of existing Federal highway legislation or to make any changes of real substance.

#### SCOPE OF REVISION

This revision is based upon title 23 of the United States Code and is designed to include all of the permanent provisions of the Federal

highway laws which have been enacted from the date of the original law in 1916. Included in this revision are the substantive provisions of permanent law as have been contained in various appropriation acts over the years. It does not include any provisions deemed to be of a temporary nature.

#### LEGISLATIVE HISTORY IN PRIOR CONGRESSES

In 1951, during the 82d Congress, a codification bill was introduced on which no action was taken by the Congress. Congress, however, became increasingly aware of the need for such codification and the Federal-Aid Highway Act of 1954 (Public Law 350, 83d Cong.) included a provision requiring the Secretary of Commerce to transmit to the Congress a suggested draft of a bill for a revision of the Federal highway laws. This provision was contained in section 12 of the act and reads as follows:

SEC. 12. The Secretary of Commerce is authorized and directed to transmit to the Committees on Public Works of the Senate and of the House of Representatives not later than December 31, 1954, a suggested draft of a bill or bills for a Federal Highway Act, which will include such provisions of existing law, and such changed or new provisions as the Secretary deems advisable. The Secretary shall also submit a report commenting on the draft of bill or bills, which shall include specific reference to each change in, or omission of, any provision of existing law.

Pursuant to this provision, a draft bill was submitted to the committees and legislation was introduced in the 84th Congress. Due to the fact that legislation which eventually became the Federal-Aid Highway Act of 1956 was then being considered by the Congress, it was deemed advisable to defer final consideration of the codification bill until enactment of the 1956 act, particularly since the codification bill would necessarily incorporate the new provisions of the 1956 act. Consideration of the codification bill was again deferred awaiting final action on the Federal-Aid Highway Act of 1958.

#### COMMITTEE HEARINGS

On July 9, 1958, hearings were held by the Committee on Public Works, at which time testimony was heard from representatives of the Department of Commerce and the Bureau of Public Roads. Further information was received by the committee from various interested organizations. The comments of all witnesses were extremely favorable. Immediate enactment of the bill was recommended.

#### ARRANGEMENT AND NUMBERING

In the preparation of the revision bill a complete analysis was made of all congressional enactments on the subject to ascertain which provisions were repealed or which had become obsolete or surplus. The next step was to arrange the remaining provisions of existing law in an orderly and logical arrangement. Every attempt was made to restate these existing provisions in clear and concise language with the use of uniform terminology.



The general format of the bill is as follows:

Section 1 of the bill contains all of the Federal highway laws to be enacted as title 23 of the United States Code, divided into three chapters.

Chapter 1—Federal-Aid Highways, contains all of the provisions dealing primarily with the Federal-aid programs, including the administration of Federal-aid primary, secondary, urban, and interstate funds.

Chapter 2—Other Highways, contains all of the provisions relating to the expenditure of Federal funds on other classes of highways, including forest highways, forest development roads, park roads, parkways, Indian reservation roads, public lands highways, defense access roads, the Inter-American Highway, and the Rama Road.

Chapter 3 contains general provisions applicable to the administration of activities by the Bureau of Public Roads.

Section 2 of the bill contains a schedule of all acts, and portions thereof, which would be repealed.

Sections 3, 4, and 5 contain miscellaneous provisions with respect to construction of the act, a savings clause, and a report to be submitted to Congress. These provisions are not regarded as appropriate for enactment as part of title 23 and, therefore, should be enacted separately.

#### GENERAL STATEMENT

Motor vehicle transportation has become of major importance in the United States, and the construction of an adequate network of highways to serve the transportation needs of this country is of critical importance. Participation by the Federal Government in the construction of the Nation's highways, through the Bureau of Public Roads of the Department of Commerce, has increased proportionately over the years with the increase in the highway needs of the Nation. Inception of the Federal-aid highway program came in 1916 with the enactment of the Federal-Aid Road Act which appropriated the sum of \$5 million to assist the States in the construction of highways for the fiscal year 1917. The Federal-Aid Highway Act of 1958, the latest in the series of major highway programs, authorized the appropriation of \$3.4 billion for Federal-aid highways, including the Interstate System, for fiscal year 1961.

It is essential that a program of such magnitude, involving the expenditure of such great sums of money, be administered with the utmost efficiency. To this end, the committee feels it is highly desirable that the officials responsible for the administration of the Federal-aid highway program have the benefit of a clear and concise code of laws, arranged in a logical and orderly sequence. With reference to this point, testimony presented to the committee showed that many of the States have revised and recodified their respective highway laws which had gotten cumbersome, voluminous, and sometimes contradictory. The results have proved beneficial to the public and a stimulus to the road program.

To ascertain the existing Federal law on a particular point frequently requires painstaking and time-consuming research by attorneys, and for the layman who must refer to these statutes the situation often seems overwhelmingly complex. Federal-aid highway laws, directly or indirectly, affect many State or local agencies, and, in many in-

stances, these agencies do not have convenient access to all of the congressional enactments on this subject. The result is undesirable expense and delay and, in some cases, uncertainty as to the complete requirements of the Federal law.

S. 3953 will reduce our current Federal-aid highway statutes from approximately 230 pages in extent to a single concise document, and will give the States and the Bureau of Public Roads a new milepost and starting place from which to reference subsequent legislation.

S. 3953 revises existing Federal-aid highway legislation into a single package with the various provisions of law arranged in a logical and orderly sequence. This will simplify the administration of the Federal-aid highway program and result in a corresponding increase in efficiency and economy.

The committee proposes amendments to the provisions which deal with the elimination of hazards at railway-highway grade crossings, for the purposes of clarification as it does not change existing law, but brings the language to conformity with that of the original act of 1944. It was felt that at some future time there might be a question of interpretation as to whether or not the 10 percent limitation on the application of benefits to the railroads would be limited solely to those projects which are 100 percent federally financed, or which are on regular Federal-aid projects and matched on a 50-50 basis. It was also desired to clarify the language that would limit the contribution for a railway-highway crossing elimination to 10 percent from all railroads involved in a particular project, and not expect 10 percent contribution from each railroad.

A committee amendment would eliminate the provision for apportioning funds authorized for public lands highways among those States having more than 5 percent of their area in Federal lands. The provision was included in the act of June 24, 1930, which excluded forest reservations from the Federal lands involved, but the 5 percent limitation was not included in the Federal-Aid Highway Act of 1950, and such limitation has not been made applicable to funds under the latter act. The committee sees no justification for this limitation and the proposed amendment will make it possible for those States which have previously participated in this program to continue to do so under the present procedures of the Bureau of Public Roads.

The Committee was concerned as to the effect the recently enacted law granting statehood to Alaska (Public Law 508, 85th Cong.) would have on the provisions of S. 3953 applicable to Alaska as a Territory. The Department of Commerce was asked to study the matter for the purpose of determining whether enactment of that legislation would necessitate any revision or modification of S. 3953. Excerpts from the reply of the General Counsel of the Department of Commerce are as follows:

Careful study and analysis has been devoted to the problem, and it has been concluded that the enactment of the Alaska Statehood Act does not necessitate any revision, amendment or modification of S. 3953 and H. R. 12776.

This conclusion is based upon the nature and effect of the bills concerned. It is to be borne in mind that S. 3953 and H. R. 12776 are designed to restate and codify existing Federal highway legislation. As was stated in the letter of the Secretary of Commerce transmitting the proposed legislation to the Congress, "No substantive changes of law



have been made in the proposed legislation with the exception of certain minor changes and additions, principally in areas of administration, which are in line with existing practices and procedures." The provisions of the bills are derived from and are supported by existing Federal highway legislation, including the Federal-Aid Highway Act of 1958.

The Alaska Statehood Act provides that "subject to the provisions of this Act, and upon issuance of the proclamation required by section 8 (c) of this Act, the State of Alaska is hereby declared to be a State of the United States of America \* \* \*". The proclamation referred to is to be issued by the President following certification of the returns of elections to be held on dates to be fixed by the Governor of Alaska. As of this time, the elections have not been held, and no dates for the same have been fixed. Until the elections have been held, and the proclamation of the President issued, Alaska will not be a State, and existing laws (insofar as this problem is concerned) remain unchanged.

It is to be further noted that, while the Alaska Statehood Act expressly repeals or amends certain provisions of existing law (effective upon the admission of Alaska into the Union), it does not contain any express repeal or amendment of any existing Federal highway legislation. Consequently, any repeal or amendment of Federal highway legislation effected by the Alaska Statehood Act would be by implication, through operation of section 30 of the act, which provides that "All Acts or parts of Acts in conflict with the provisions of this Act \* \* \* are hereby repealed." The effect of that section upon Federal highway legislation will be the same, irrespective of whether the law existing at the time Alaska is admitted to the Union is set forth in the statutes which are effective at this time, or whether such statutes have been restated and codified, by enactment of S. 3953 or H. R. 12776.

Upon the basis of the above, it is concluded that the enactment of the Alaska Statehood Act does not necessitate any revision, modification or amendment of S. 3953 or H. R. 12776.

The committee feels that after Alaska becomes a State, the Congress may desire to give consideration to modifying or revising Federal highway legislation pertaining to Alaska. Such modifications or revisions would be substantive legislation affecting existing laws, and could not be included in S. 3953 at this time.

#### RECOMMENDATIONS

The committee believes that revision, collection, clarification, and simplification of our many Federal highway statutes is highly desirable, and will be extremely useful and more understandable. It therefore recommends reaffirmation of these laws by enactment of this legislation.

#### AGENCY COMMENTS

The legislation was proposed by the Department of Commerce based upon a directive in the Federal-Aid Highway Act of 1954. Section 12 of the 1954 act directed the Secretary of Commerce to transmit to the Committees on Public Works of the Senate and of the



House of Representatives a suggested draft of bill or bills for a Federal Highway Act, including such provisions of existing law and such changed or new provisions as the Secretary deemed advisable. S. 3953 is based largely upon the bill submitted to the 85th Congress as a result of the 1954 act with revisions to include the Federal-Aid Highway Acts of 1956 and 1958. The letter from the Secretary of Commerce proposing the legislation is as follows together with report from the Secretary on the bill as introduced:

THE SECRETARY OF COMMERCE,  
*Washington, D. C., January 27, 1958.*

HON. RICHARD M. NIXON,  
*President of the Senate, Washington, D. C.*

DEAR MR. PRESIDENT: The Department of Commerce recommends to the Congress for its consideration the attached draft of legislation entitled "A bill to revise the Federal-aid highway laws of the United States."

The proposed legislation would revise and re-enact into a single law the existing provisions of the original Federal-Aid Road Act of 1916 and the many amendments thereto, including the Federal-Aid Highway Act of 1956. The bill would eliminate all executed, obsolete, amended, or repealed provisions of these laws. No changes have been made in the phraseology of existing law except for purposes of clarification and organization and to conform with established administrative practice. No substantive changes of law have been made in the proposed legislation with the exception of certain minor changes and additions, principally in areas of administration, which are in line with existing practices and procedures.

The attached draft bill is based largely upon the bill submitted to the 84th Congress pursuant to section 12 of the Federal-Aid Highway Act of 1954, with the incorporation therein of the provisions of the Federal-Aid Highway Act of 1956 (70 Stat. 374), and other legislation subsequently enacted. Section 12 of the 1954 Act directed the Secretary of Commerce to transmit to the Committees on Public Works of the Senate and of the House, not later than December 31, 1954, a suggested draft of bill or bills for a Federal Highway Act, including such provisions of existing law and such changed or new provisions as the Secretary deemed advisable. Such draft bill, together with a report thereon, was submitted to Congress as required by section 12 of the 1954 Act, and identical bills H. R. 234, H. R. 235, H. R. 2127, and S. 1072 were introduced in the 84th Congress, based upon said draft of bill. The Subcommittee on Roads of the House Committee on Public Works held hearings on H. R. 234, H. R. 235, and H. R. 2127 on February 16 and March 9, 1955, but no further action was taken thereon, nor was action taken by the Senate on S. 1072.

The Department believes that enactment of the proposed bill, which would simplify the Federal highway laws and facilitate their application, would expedite the administration of the highway program. The bill is recommended for the favorable consideration of Congress.

The Bureau of the Budget has advised that it would interpose no objection to the submission of the proposed bill to the Congress for its consideration and would favor its enactment.

Sincerely yours,

SINCLAIR WEEKS,  
*Secretary of Commerce.*

THE SECRETARY OF COMMERCE,  
*Washington, D. C., July 17, 1958.*

HON. DENNIS CHAVEZ,  
*Chairman, Committee on Public Works,  
United States Senate, Washington, D. C.*

DEAR MR. CHAIRMAN: This is in reply to your request for the views of this Department on S. 3953, a bill to revise, codify, and enact into law title 23 of the United States Code entitled "Highways."

The pending bill would revise, codify, and enact into law as title 23 of the United States Code the existing provisions of the original Federal-Aid Road Act of 1916 (39 Stat. 355) and the many amendments thereto, including the Federal-Aid Highway Act of 1958 (72 Stat. 89). The proposed revision of title 23 would eliminate all executed, obsolete, amended, or repealed provisions of the Federal-aid highway laws. The bill does not include any provisions of law deemed to be of a temporary nature, such as those requiring the submission of reports to Congress by a specified date. No substantive changes of law are included in the proposed legislation. Certain minor changes and additions have been included, principally in areas of administration, all of which are in line with existing practices and procedures of the Bureau of Public Roads of this Department.

The pending bill is based upon a proposed draft of bill submitted by this Department to the Congress on January 27, 1958. The proposed legislation does, however, include certain permanent provisions of law contained in the Federal-Aid Highway Act of 1958, approved April 16, 1958, as well as certain technical changes of form, in line with that of the United States Code.

The Department believes that enactment of legislation such as that proposed by S. 3953 would simplify the Federal-aid highway laws and facilitate their application. Such legislation would expedite the administration of the highway program.

Certain additional minor changes of a purely technical nature are recommended, however, for the purpose of uniformity and conformance with the style of the United States Code. These proposed minor changes are being submitted to the committee on an informal basis.

It is also recommended that section 315 of proposed title 23, relating to the detail of employees as students and appearing on page 45 of S. 3953, be deleted and that the remaining sections of said title be renumbered. This recommendation results from the approval on July 7 of Public Law 85-507, an act to authorize the training of Federal employees at public or private facilities, section 21 (b) (6) of which specifically repeals section 16 of the Defense Highway Act of 1941 (55 Stat. 770), the source of section 315 of proposed title 23. The recommended deletion of said section 315 would be in conformity with the intent of Congress in enacting Public Law 85-507.

Subject to the foregoing, the Department of Commerce urges enactment of legislation such as that proposed by S. 3953.

The Bureau of the Budget has advised that it would interpose no objection to the submission of this report to your committee.

Sincerely yours,

SINCLAIR WEEKS,  
*Secretary of Commerce.*

# SECTION-BY-SECTION COMPARISON OF S. 3953 WITH PRIOR LAW, WITH EXPLANATORY COMMENTS

## SOURCES IN PRIOR LAWS

### S. 3953

#### CHAPTER 1—FEDERAL-AID HIGHWAYS

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*Sec. 101. Definitions and declaration of policy*

(a) As used in this title, unless the context requires otherwise—

The term "apportionment" in accordance with section 104 of this title includes unexpended apportionments made under prior acts.

The term "construction" means the supervising, inspecting, actual building, and all expenses incidental to the construction or reconstruction of a highway, including locating, surveying, and mapping (including the establishment of temporary and permanent geodetic markers in accordance with specifications of the Coast and Geodetic Survey in the Department of Commerce), costs of rights-of-way, and elimination of hazards of railway-grade crossings.

*1944 Act, sec. 1, part*

The term "construction" means the supervising, inspecting, actual building \* \* \* of a highway. \* \* \*

*1944 Act, sec. 1, part*

The term "construction" means \* \* \* and all expenses incidental to the construction or reconstruction of a highway, including locating, surveying, and mapping, costs of rights-of-way, and elimination of hazards of railway-grade crossings.

*1956 Act, sec. 119*

The definition of the term "construction" in section 1 of the Federal-Aid Highway Act of 1944 is hereby amended by inserting after "mapping" the following: "(including the establishment of temporary and permanent geodetic markers in accordance with specifications of the Coast and Geodetic Survey in the Department of Commerce)".

*1950 Act, sec. 2, last proviso*

*Provided further*, That the term "county" as used in this section shall be construed to include corresponding units of government under any other name in States which do not have county organizations, and likewise in those States

The term "county" includes corresponding units of government under any other name in States which do not have county organizations, and likewise in those States in which the county government does not have jurisdiction over highways it may be construed to mean any local

government unit vested with jurisdiction over local highways.

The term "forest road or trail" means a road or trail wholly or partly within or adjacent to and serving the national forests.

The term "forest development roads and trails" means those forest roads or trails of primary importance for the protection, administration and utilization of the national forests, or where necessary, for the use and development of the resources upon which communities within or adjacent to the national forests are dependent.

The term "forest highway" means a forest road which is of primary importance to the States, counties, or communities within, adjoining, or adjacent to the national forests.

*Note:* Neither "forest highways" nor "forest development roads and trails" have been specifically defined in prior acts. The definitions conform to accepted administrative usage.

The term "highway" includes roads, streets, and parkways, and shall be comprised of, among other things, the right-of-way, bridges, railroad grade separations, tunnels, drainage structures, signs, guard rails, and protective structures in connection with highways. It also includes that portion of any interstate or international bridge or tunnel and the approaches thereto, the cost of which is assumed by a State highway department, including such facilities as may be required by the United States Customs

in which the county government does not have jurisdiction over highways it may be construed to mean any local governmental unit vested with jurisdiction over local highways.

*1921 Act, sec. 2, part*

The term "forest roads" means roads wholly or partly within or adjacent to and serving the national forests.

*1921 Act, sec. 23 (a), part*

\* \* \* roads and trails of primary importance for the protection, administration, and utilization of the national forests, or when necessary, for the use and development of the resources upon which communities within or adjacent to the national forests are dependent \* \* \*.

*1921 Act, sec. 23 (a), part*

\* \* \* forest roads, of primary importance to the State, counties or communities within, adjoining, or adjacent to the national forests \* \* \*.

development roads and trails" have been specifically defined in prior acts. The definitions conform to accepted administrative usage.

*1921 Act, sec. 2, part*

The term "highway" includes rights-of-way, bridges, drainage structures, signs, guard rails, and protective structures in connection with highways \* \* \*.

*1936 Act, sec. 1 (c)*

The term "highway" as defined in the Federal Highway Act, approved November 9, 1921, as amended and supplemented, shall be deemed to include such main park-

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and Immigration Services in connection with the operation of an international bridge or tunnel.

The term "Federal-aid highways" means highways located on one of the Federal-aid systems described in section 103 of this title.

ways as may be designated by the State and approved by the Secretary of Agriculture as part of the Federal-aid highway system.

## 1938 Act, sec. 1 (e)

The term "highway" as defined in the Federal Highway Act (42 Stat. 212), as amended and supplemented, shall be deemed to include that portion of any interstate or international bridge and the approaches thereto, the cost of which is assumed by the State highway department, including such facilities as may be required by the United States Customs and Immigration Services in connection with the operation of such bridge.

## 1928 Act, par. 3

"Bridges" includes railroad grade separations, whether by means of overhead or underpass crossings.

## 1954 Act, sec. 15

The term "highway", as defined in section 2 of the Federal Highway Act of November 9, 1921 (42 Stat. 212), as amended and supplemented, shall be deemed to include "tunnels".

## Act approved May 26, 1928 (45 Stat. 750), part

\* \* \* Indian reservation roads not eligible to Government aid under the Federal Highway Act \* \* \*

## 1956 Act, sec. 104 (c), part

\* \* \* Indian reservation roads and bridges and roads and bridges to provide access to Indian reservations and Indian lands \* \* \*

The term "Indian reservation roads and bridges" means roads and bridges that are located within an Indian reservation or that provide access to an Indian reservation or Indian land, and that are jointly designated by the Secretary of the Interior and the Secretary as a part of the Indian Bureau road system.



The term "maintenance" means the preservation of the entire highway, including surface, shoulders, road sides, structures, and such traffic control devices as are necessary for its safe and efficient utilization.

*Note:* The definition of maintenance in the existing law relates only to the highway surface. The definition here proposed modernizes the existing definition to cover the entire highway and to include the shoulders, roadsides, structures, and traffic control devices. The proposed definition is in conformity with existing practice.

The term "park roads and trails" means those roads or trails, including the necessary bridges, located in national parks or monuments, now or hereafter established, or in other areas administered by the National Park Service of the Department of the Interior (excluding parkways authorized by Acts of Congress) and also including approach roads to national parks or monuments authorized by the Act of January 31, 1931 (46 Stat. 1053), as amended.

The term "parkway", as used in chapter 2 of this title, means a parkway authorized by an act of Congress on lands to which title is vested in the United States.

*Note:* "Parkway" has not been defined specifically in prior acts. However, this is the definition which has been used in the authorization sections of the acts since 1950.

The term "project" means an undertaking to construct a particular portion of a highway, or if the context so implies, the particular portion of a highway so constructed.

The term "project agreement" means the formal instrument to be executed by the State highway department and the Secretary as required by the provisions of paragraph (a) of section 110 of this title.

#### *1921 Act, sec. 2, part*

The term "maintenance" means the constant making of needed repairs to preserve a smooth surfaced highway.

The existing law relates only to the highway surface. The proposed definition is in conformity with existing practice.

#### *1956 Act, sec. 104 (a), part*

\* \* \* roads and trails, inclusive of necessary bridges, in national parks, monuments, and other areas administered by the National Park Service, including areas authorized to be established as national parks and monuments, and national park and monument approach roads authorized by the Act of January 31, 1931 (46 Stat. 1053), as amended \* \* \*

#### *1956 Act, sec. 104 (b), part*

\* \* \* parkways, authorized by Acts of Congress, on lands to which title is vested in the United States \* \* \*

The existing law relates only to the highway surface. The proposed definition is in conformity with existing practice.

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The term "public lands highways" means main highways through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations.

The term "rural areas" means all areas of a State not included in urban areas.

The term "Secretary" means Secretary of Commerce.

The term "State" means any one of the forty-eight States, the District of Columbia, Hawaii, Alaska, or Puerto Rico.

The term "State funds" includes for the purposes of this Act funds raised under the authority of the State or any political or other subdivision thereof, and made available for expenditure under the direct control of the State highway department.

The term "State highway department" means that department, commission, board, or official of any State charged by its laws with the responsibility for highway construction.

The term "Federal-aid system" means any one of the Federal-aid highway systems described in section 103 of this title.

The term "Federal-aid primary system" means the Federal-aid highway system described in subsection (b) of section 103 of this title.

The term "Federal-aid secondary system" means the Federal-aid highway system described in subsection (c) of section 103 of this title.

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1956 Act, sec. 105, part

\* \* \* main roads through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations. \* \* \*

1944 Act, sec. 1, part

The term "rural areas" means all areas of the State not included in "urban areas".

1921 Act, sec. 2, part

The term "State funds" includes for the purposes of this act funds raised under the authority of the State, or any political or other subdivision thereof, and made available for expenditure under the direct control of the State highway department.

1921 Act, sec. 2, part

The term "State highway department" includes any State department, commission, board, or official having adequate powers and suitably equipped and organized to discharge to the satisfaction of the Secretary of Agriculture the duties herein required.

The term "Interstate System" means the National System of Interstate and Defense Highways described in subsection (d) of section 103 of this title.

The term "urban area" means an area including and adjacent to a municipality or other urban place having a population of 5,000 or more, as determined by the latest available Federal census, within boundaries to be fixed by a State highway department subject to the approval of the Secretary.

*1944 Act, sec. 1, part*

The term "urban area" means an area including and adjacent to a municipality or other urban place, of five thousand or more, the population of such included municipality or other urban place to be determined by the latest available Federal census. The boundaries of urban areas, as defined herein, will be fixed by the State highway department of each State subject to the approval of the Public Roads Administration.

*1956 Act, sec. 116*

(a) ACCELERATION OF PROGRAM.—It is hereby declared to be in the national interest to accelerate the construction of the Federal-aid highway systems, including the Interstate System, since many of such highways, or portions thereof, are in fact inadequate to meet the needs of local and interstate commerce, the national and the civil defense.

*1956 Act, sec. 108 (a) part*

\* \* \* Because of its primary importance to the national defense, the name of such system is hereby changed to the "National System of Interstate and Defense Highways". Such National System of Interstate and Defense Highways is hereinafter in this Act referred to as the "Interstate System".

(b) It is hereby declared to be in the national interest to accelerate the construction of the Federal-aid highway systems, including the National System of Interstate and Defense Highways, since many of such highways, or portions thereof, are in fact inadequate to meet the needs of local and interstate commerce, the national and civil defense.

It is hereby declared that the prompt and early completion of the National System of Interstate and Defense Highways, so named because of its primary importance to the National defense and hereafter referred to as the "Interstate System", is essential to the national interest and is one of the most important objectives of this Act. It is the intent of Congress that the Interstate System be completed as nearly as practicable over the period of availability of the thirteen years' appropriations authorized for the purpose of expediting its construction, recon-



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struction or improvement, inclusive of necessary tunnels and bridges, through the fiscal year ending June 30, 1969, under section 108 (b) of the Federal-Aid Highway Act of 1956 (70 Stat. 374), and that the entire System in all States be brought to simultaneous completion. Insofar as possible in consonance with this objective, existing highways located on an interstate route shall be used to the extent that such use is practicable, suitable, and feasible, it being the intent that local needs, to the extent practicable, suitable and feasible, shall be given equal consideration with the needs of interstate commerce.

1956 Act, sec. 108

(a) INTERSTATE SYSTEM.—It is hereby declared to be essential to the national interest to provide for the early completion of the "National System of Interstate Highways", as authorized and designated in accordance with section 7 of the Federal-Aid Highway Act of 1944 (58 Stat. 838). It is the intent of the Congress that the Interstate System be completed as nearly as practicable over a thirteen-year period and that the entire System in all the States be brought to simultaneous completion.

1956 Act, sec. 116

(b) COMPLETION OF INTERSTATE SYSTEM—PROGRESS REPORT ON FEDERAL-AID HIGHWAY PROGRAM.—It is further declared that one of the most important objectives of this Act is the prompt completion of the Interstate System. Insofar as possible in consonance with this objective, existing highways located on an interstate route shall be used to the extent that such use is practicable, suitable, and feasible, it being the intent that local needs, to the extent practicable, suitable, and feasible, shall be given equal consideration with the needs of interstate commerce.

Prior authorization acts would not be repealed under the bill.

### Sec. 102. Authorizations

The provisions of this title apply to all unappropriated authorizations contained in prior acts, and also to all unexpended appropriations heretofore made, providing for the expenditure of Federal funds upon the Federal-aid systems. All such authorizations and appropriations shall continue in full force and effect, but hereafter obliga-

tions entered into and expenditures made pursuant thereto shall be subject to the provisions of this title.

*Sec. 103. Federal-Aid Systems*

(a) For the purposes of this title, the three Federal-aid systems the primary and secondary systems, and the Interstate System, established by prior Acts, are hereby continued pursuant to the provisions of this section.

(b) The Federal-aid primary system shall consist of an adequate system of connected main highways, selected or designated by each State through its State highway department, subject to the approval of the Secretary as provided by paragraph (e) of this section. This system shall not exceed 7 percent of the total highway mileage of such State, exclusive of mileage within national forests, Indian or other Federal reservations and within urban areas, as shown by the records of the State highway department on November 9, 1921. Whenever provision has been made by any State for the completion and maintenance of 90 percent of its Federal-aid primary system, as originally designated, said State through its State highway department by and with the approval of the Secretary is authorized to increase the mileage of its Federal-aid primary system by additional mileage equal to not more than 1 percent of the total mileage of said State as shown by the records on November 9, 1921. Thereafter, it may make like 1 percent increases in the mileage of its Federal-aid primary system whenever provision has been made for the completion and maintenance of 90 percent of the entire system, including the additional mileage previously authorized. This system may be located both in rural and urban areas. The mileage

*1921 Act, sec. 6, 1st and 2d paragraphs*

That in approving projects to receive Federal aid under the provisions of this act the Secretary of Agriculture shall give preference to such projects as will expedite the completion of an adequate and connected system of highways interstate in character.

Before any projects are approved in any State, such State, through its State highway department, shall select or designate a system of highways not to exceed 7 per centum of the total highway mileage of such State as shown by the records of the State highway department at the time of the passage of this act.

*Act of May 21, 1928 (45 Stat. 683), sec. 3*

The system of Federal-aid highways on which Federal funds may be expended in any State may exceed 7 per centum of the total highway mileage of such State by the mileage of roads on said system within national forest, Indian, or other Federal reservations therein.

*Act of July 21, 1932 (47 Stat. 709), sec. 304*

Whenever provision has been made by any State for the completion and maintenance of 90 per centum of its system of primary or interstate and secondary or inter-

limitations in this paragraph shall not apply to the District of Columbia, Hawaii, Alaska, or Puerto Rico.

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county highways equal to 7 per centum of the total mileage of such State, as required by this act, said State through its State highway department, by and with the approval of the Secretary of Agriculture, is hereby authorized to increase the mileage of the primary or interstate and secondary or intercounty systems by additional mileage equal to not more than 1 per centum of said total mileage of such State, and thereafter to make like increases in the mileage of said systems whenever provision has been made for the completion and maintenance of 90 per centum of the mileage of said systems previously authorized in accordance herewith.

*Act of February 23, 1931 (46 Stat. 1415)*

That the system \* \* \* Territory of Hawaii \* \* \* may be determined \* \* \* without regard to the limitations \* \* \* respecting the selection and designation of such system of roads; and when the system first determined and agreed upon shall have been completed, additions thereto may be made in like manner as funds become available for the construction and maintenance of such additions. \* \* \*

*Act of June 23, 1936 (49 Stat. 1891)*

That the system \* \* \* Territory of Puerto Rico \* \* \* may be determined \* \* \* without regard to the limitations \* \* \* respecting the selection and designation of such system of roads; and, when the system first determined and agreed upon shall have been completed, additions thereto may be made in like manner as funds



become available for the construction and maintenance of such additions.

*1938 Act, sec. 1 (b), proviso*

That the system \* \* \* District of Columbia \* \* \* may be determined \* \* \* without regard to the limitations \* \* \* respecting the selection and designation of such system of roads; and, when the system first determined and agreed upon shall have been completed, additions thereto may be made in like manner as funds become available for the construction and maintenance of such additions.

*1956 Act, sec. 107 (a), part*

The system or systems of roads on which Federal-aid apportionments to the Territory of Alaska are to be expended shall be determined and agreed upon by the Governor of Alaska, the Territorial Highway Engineer of Alaska, and the Secretary of Commerce without regard to the limitations contained in section 6 of the Federal Highway Act (42 Stat. 212), as amended and supplemented.

*1944 Act, sec. 3 (b), except last proviso*

\* \* \* projects on the principal secondary and feeder roads, including farm-to-market roads, rural free delivery mail and public-school bus routes, either outside of municipalities or inside of municipalities of less than five thousand population: *Provided*, That these funds shall be expended on a system of such roads selected by the State highway departments in cooperation with the county supervisors, county commissioners, or other appropriate

(c) The Federal-aid secondary system shall be selected by the State highway departments and the appropriate local road officials in cooperation with each other, subject to approval by the Secretary as provided in subsection (e) of this section. In making such selections, farm-to-market roads, rural mail routes, public school bus routes, local rural roads, county roads, township roads, and roads of the county road class may be included, so long as they are not on the Federal-aid primary system or the Inter-

state System. This system shall be confined to rural areas, except (1) that in any State having a population density of more than two hundred per square mile as shown by the latest available Federal census, the system may include mileage in urban areas as well as rural, and (2) that the system may be extended into urban areas subject to the conditions that any such extension passes through the urban area or connects with another Federal aid system within the urban area, and that Federal participation in projects on such extensions is limited to urban funds.

local road officials and the Commissioner of Public Roads: *Provided further*, That in any State having a population density of more than two hundred per square mile, as shown by the latest available Federal census, the said system may be selected by the State highway department with the approval of the Commissioner of Public Roads without regard to included municipal boundaries.

*1948 Act, sec. 1, second paragraph (part)*

\* \* \* in selecting county and township roads on which funds are to be expended, the State highway departments shall cooperate with township trustees and other appropriate local road officials \* \* \*

*1944 Act, sec. 1, last paragraph*

The term "secondary and feeder roads" means roads in rural areas, including farm-to-market roads, rural-mail routes, and school-bus routes, and not on the Federal-aid system.

*1950 Act, sec. 1 (b), proviso—part*

That such funds shall be expended on the secondary and feeder roads, farm-to-market roads, rural mail routes, public school bus routes, local rural roads, county roads, township roads, and roads of the county-road class. \* \* \*

*1954 Act, sec. 16*

The Secretary of Commerce may approve as a part of the Federal-aid secondary system, extensions through urban areas, connecting points on that system, provided that Federal participation in projects on such extensions shall be limited to urban funds.

*1944 Act, sec. 7*

There shall be designated within the continental United States a National System of Interstate Highways not exceeding forty thousand miles in total extent so located as to connect by routes, as direct as practicable, the principal metropolitan areas, cities, and industrial centers, to serve the national defense, and to connect at suitable border points with routes of continental importance in the Dominion of Canada and the Republic of Mexico. The routes of the National System of Interstate Highways shall be selected by joint action of the State highway departments of each State and the adjoining States, as provided by the Federal Highway Act of November 9, 1921, for the selection of the Federal-aid system. All highways or routes included in the National System of Interstate Highways as finally approved, if not already included in the Federal-aid highway system, shall be added to said system without regard to any mileage limitation.

*1956 Act, sec. 108 (l), part*

INCREASE IN MILEAGE.—Section 7 of the Federal-Aid Highway Act of 1944 (58 Stat. 838), relating to the Interstate System, is hereby amended by striking out "forty thousand", and inserting in lieu thereof "forty-one thousand".

(d) The Interstate System shall be designated within the continental United States and it shall not exceed forty-one thousand miles in total extent. It shall be so located as to connect by routes, as direct as practicable, the principal metropolitan areas, cities, and industrial centers, to serve the national defense, and to connect at suitable border points with routes of continental importance in the Dominion of Canada and the Republic of Mexico. The routes of this system shall be selected by joint action of the State highway departments of each State and the adjoining States, subject to approval by the Secretary as provided in subsection (e) of this section. All highways or routes included in the Interstate System as finally approved, if not already coincident with the primary system, shall be added to said system without regard to the mileage limitation set forth in subsection (b) of this section. This system may be located both in rural and urban areas.



(e) The Secretary shall have authority to approve in whole or in part the Federal-aid primary system, the Federal-aid secondary systems, and the Interstate System, as and when such systems or portions thereof are designated, or to require modifications or revisions thereof. No Federal-aid system or portion thereof shall be eligible for projects in which Federal funds participate until approved by the Secretary.

(f) The system or systems of roads in the Territory of Alaska on which Federal-aid funds may be expended under this chapter shall be determined and agreed upon by the Governor of Alaska, the Alaska Highway and Public Works Board, and the Secretary.

(g) The system of highways on which funds apportioned to the Territory of Hawaii under this chapter shall be expended may be determined and agreed upon by the Governor of said Territory and the Secretary.

*Note:* Section 103 (b) makes no change in existing law but is simply a clarification to make it clear that the 7 percent limitation is not applicable to the primary system in urban areas. At the time of the enactment of the 1921 and 1928 Acts, the Federal-aid funds were not available for expenditure in urban areas. The 7 percent limitation, therefore, had no application to the Federal-aid systems in urban areas. The Federal-aid primary systems are now extended within urban areas, but the law was never amended to expressly make clear that the 7 percent limitation did not apply to urban areas. The exclusion from the 7 percent limitation of mileage in *urban areas* is therefore added to section 103 (b) as a clarification in line with actual practice and the intent of Congress. The pro-

#### *1921 Act, sec. 6, 5th paragraph*

The Secretary of Agriculture shall have authority to approve in whole or in part the systems as designated or to require modifications or revisions thereof: *Provided*, That the States shall submit to the Secretary of Agriculture for his approval any proposed revisions of the designated systems of highways above provided for.

#### *1956 Act, sec. 107 (a), part*

The system of systems of roads on which Federal-aid apportionments to the Territory of Alaska are to be expended shall be determined and agreed upon by the Governor of Alaska, the Territorial Highway Engineer of Alaska, and the Secretary of Commerce.

#### *Act of February 23, 1931 (46 Stat. 1415)*

\* \* \* the system of roads on which Federal-aid apportionments to the Territory of Hawaii shall be expended may be determined and agreed upon by the Governor of said Territory and the Secretary \* \* \*.

posed language merely expresses what is already existing, but which must be traced through several enactments.

As a clarification, the proposed language in section 103 (c) would provide that extensions of the Federal-aid secondary system which connect with another Federal-aid system within an urban area need not extend entirely through such area. The existing law refers only to extensions *through* urban areas connecting points on the Federal-aid secondary system. To carry out the congressional intent to provide an integrated highway system, it was considered desirable to clarify the existing law to provide that such extensions of the secondary system either pass *through* the urban area or connect with another Federal-aid system *within* the urban area. This is in accord with actual practice with respect to system designation.

#### *Sec. 104. Apportionment*

(a) Whenever an apportionment is made of the sums authorized to be appropriated for expenditure upon the Federal-aid systems, the Secretary shall deduct a sum, in such amount not to exceed 3¼ per centum of all sums so authorized, as the Secretary may deem necessary for administering the provisions of law to be financed from appropriations for the Federal-aid systems and for carrying on the research authorized by subsections (a) and (b) of section 307 of this title. In making such determination, the Secretary shall take into account the unexpended balance of any sums deducted for such purposes in prior years. The sum so deducted shall be available for expenditure from the unexpended balance of any appropriation made at any time for expenditure upon the Federal-aid systems, until such sum has been expended.

#### *1921 Act, sec. 21, 2d paragraph*

Within sixty days after the close of each fiscal year, the Secretary of Agriculture shall determine what part, if any, of the sums theretofore deducted for such purpose will not be needed and apportion such part, if any, for the fiscal year then current in the same manner and on the same basis as are other amounts authorized by this act apportioned among all the States, and shall certify such apportionment to the Secretary of the Treasury and to the State highway departments.

#### *1948 Act, sec. 6*

That so much, not to exceed 3¼ per centum, of all moneys appropriated or authorized to be appropriated for expenditure under the provisions of this Act, as the Federal Works Administrator may deem necessary for administering the provisions of this Act and for carrying on necessary highway research and investigational studies independently or in cooperation with the State highway departments and other research agencies, and for publishing the results thereof, shall be deducted therefrom for

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such purposes when the apportionment is made and the amount so deducted shall be available until expended from appropriations made under the provisions of this Act: \* \* \*

*1936 Act, sec. 1 (b), 1st sentence*

On or before January 1 of each year, the Secretary of Agriculture shall apportion among the several States, as provided in section 21 of the Federal Highway Act of 1921, the sums authorized for the fiscal year immediately following.

*1921 Act, sec. 21, 3d paragraph*

The Secretary of Agriculture, after making the deduction authorized by this section, shall apportion the remainder of the appropriation made for expenditure under the provision of the act for the fiscal year among the several States in the following manner: One-third in the ratio which the area of each State bears to the total area of all the States; one-third in the ratio which the population of each State bears to the total population of all the States as shown by the latest available Federal census; one-third in the ratio which the mileage of rural delivery routes and star routes in each State bears to the total mileage of rural delivery and star routes in all the States at the close of the next preceding fiscal year, as shown by certificate of the Postmaster General, which he is directed to make and furnish annually to the Secretary of Agri-

(b) On or before January 1 next preceding the commencement of each fiscal year, except as provided in paragraphs (4) and (5) of this subsection, the Secretary, after making the deduction authorized by subsection (a) of this section, shall apportion the remainder of the sums authorized to be appropriated for expenditure upon the Federal-aid systems for that fiscal year, among the several States in the following manner:

(1) For the Federal-aid primary system: One-third in the ratio which the area of each State bears to the total area of all the States, except that only one-third of the area of Alaska shall be included; one-third in the ratio which the population of each State bears to the total population of all the States as shown by the latest available Federal census; one-third in the ratio which the mileage of rural delivery routes and star routes in each State bears to the total mileage of rural delivery and star routes in all the States at the close of the next preceding fiscal year, as shown by a certificate of the Postmaster General, which he is directed to make and furnish annually to the Secretary. No State shall receive less than one-half of 1 per centum of each year's apportionment.



culture: Provided, That no State shall receive less than one-half of 1 per centum of each year's allotment.

*1956 Act, sec. 107 (a), part*

\* \* \* the Territory of Alaska shall be included in the calculations to determine the basis of apportionment of such funds, except that one-third only of the area of Alaska shall be used in the calculations to determine the area factor in the apportionment of such funds: \* \* \*

*1944 Act, sec. 4 (b)*

One-third in the ratio which the area of each State bears to the total area of all the States; one-third in the ratio which the rural population of each State bears to the total rural population of all the States, as shown by the Federal census of 1940; and one-third in the ratio which the mileage of rural delivery and star routes in each State bears to the total mileage of rural delivery and star routes in all the States: *Provided*, That no State shall receive less than one-half of one per centum of each year's allotment under subsection (a) and this subsection.

*1950 Act, sec. 1 (c), 2d paragraph, proviso*

*Provided*, That the census figures used in making said apportionments shall be those shown by the latest available Federal census.

*1944 Act, sec. 4 (c)*

In the ratio which the population in municipalities and other urban places, of five thousand or more, in each State bears to the total population in municipalities and other urban places, of five thousand or more, in all the States as

(2) For the Federal-aid secondary system: One-third in the ratio which the area of each State bears to the total area of all the States, except that only one-third of the area of Alaska shall be included; one-third in the ratio which the rural population of each State bears to the total rural population of all the States as shown by the latest available Federal census; and one-third in the ratio which the mileage of rural delivery and star routes, certified as above provided, in each State bears to the total mileage of rural delivery and star routes in all the States. No State shall receive less than one-half of 1 per centum of each year's apportionment.

(3) For extensions of the Federal-aid primary and Federal-aid secondary systems within urban areas: In the ratio which the population in municipalities and other urban places, of five thousand or more, in each State bears to the total population in municipalities and other urban places of five thousand or more in all the States, as shown

by the latest available Federal census. For the purpose of this paragraph, Connecticut and Vermont towns shall be considered municipalities regardless of their incorporated status.

(4) For the Interstate System, for the fiscal years ending June 30, 1957, June 30, 1958, and June 30, 1959: One-half in the ratio which the population of each State bears to the total population of all the States as shown by the latest available Federal census, except that no State shall receive less than three-fourths of 1 per centum of the funds so apportioned; and one-half in the manner provided in paragraph (1) of this subsection. The sums authorized by section 108 (b) of the Federal-Aid Highway Act of 1956 for the fiscal years ending June 30, 1958 and June 30, 1959, shall be apportioned on a date not less than six months and not more than 12 months in advance of the beginning of the fiscal year for which authorized.

(5) For the Interstate System for the fiscal years 1960 through 1969: In the ratio which the estimated cost of completing the Interstate System in each State, as determined and approved in the manner provided in this paragraph, bears to the sum of the estimated cost of completing the Interstate System in all of the States. Each apportionment herein authorized for the fiscal years 1960 through 1969, inclusive, shall be made on a date as far in advance of the beginning of the fiscal year for which authorized as practicable but in no case more than eighteen

shown by the latest available Federal census: *Provided*, That Connecticut and Vermont towns shall be considered municipalities regardless of their incorporated status.

*1954 Act, sec. 2 (a)*

One-half in the ratio which the population of each State bears to the total population of all the States, as shown by the latest available Federal census: *Provided*, That no State shall receive less than three-fourths of 1 per centum of the money so apportioned; and one-half in the manner now provided by law for apportionment of funds for the Federal-aid primary system:

*1956 Act, sec. 108 (c), part*

The additional sums herein authorized for the fiscal years ending June 30, 1958, and June 30, 1959, shall be apportioned on a date not less than six months and not more than twelve months in advance of the beginning of the fiscal year for which authorized.

*1956 Act, sec. 108 (d)*

APPORTIONMENTS FOR SUBSEQUENT YEARS BASED UPON REVISED ESTIMATES OF COST.—All sums authorized by this section to be appropriated for the fiscal years 1960 through 1969, inclusive, shall be apportioned among the several States in the ratio which the estimated cost of completing the Interstate System in each State, as determined and approved in the manner provided in this subsection, bears to the sum of the estimated cost of completing the Interstate System in all of the States. Each

apportionment herein authorized for the fiscal years 1960 through 1969, inclusive, shall be made on a date as far in advance of the beginning of the fiscal year for which authorized as practicable but in no case more than eighteen months prior to the beginning of the fiscal year for which authorized. As soon as the standards provided for in subsection (i) have been adopted, the Secretary of Commerce, in cooperation with the State highway departments, shall make a detailed estimate of the cost of completing the Interstate System as then designated, after taking into account all previous apportionments made under this section, based upon such standards and in accordance with rules and regulations adopted by him and applied uniformly to all of the States. The Secretary of Commerce shall transmit such estimate to the Senate and the House of Representatives within ten days subsequent to January 2, 1958. Upon approval of such estimate by the Congress by concurrent resolution, the Secretary of Commerce shall use such approved estimate in making apportionments for the fiscal years ending June 30, 1960, June 30, 1961, and June 30, 1962. The Secretary of Commerce shall make a revised estimate of the cost of completing the then designated Interstate System, after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1962. Upon approval of such estimate by the Congress by concurrent resolution, the Secretary of Commerce shall use such approved estimate in making apportionments for the fiscal years ending June 30, 1963, June 30, 1964, June 30, 1965, and June 30, 1966. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System, after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the

months prior to the beginning of the fiscal year for which authorized. As soon as the standards provided for in subsection (b) of section 109 have been adopted, the Secretary, in cooperation with the State highway departments, shall make a detailed estimate of the cost of completing the Interstate System as then designated, after taking into account all previous apportionments made under this section, based upon such standards and in accordance with rules and regulations adopted by him and applied uniformly to all of the States. The Secretary shall transmit such estimate to the Senate and the House of Representatives within ten days subsequent to January 2, 1958. Upon approval of such estimate by the Congress by concurrent resolution, the Secretary shall use such approved estimate in making apportionments for the fiscal years ending June 30, 1960, June 30, 1961, and June 30, 1962. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System, after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the



Senate and the House of Representatives within ten days subsequent to January 2, 1966, and annually thereafter through and including January 2, 1968. Upon approval of any such estimate by the Congress by concurrent resolution, the Secretary shall use such approved estimate in making apportionments for the fiscal year which begins next following the fiscal year in which such report is transmitted to the Senate and House of Representatives. Whenever the Secretary, pursuant to this subsection, requests and receives estimates of cost from the State highway departments, he shall furnish copies of such estimates at the same time to the Senate and the House of Representatives. In making the estimates of cost for completing the Interstate System as provided in this paragraph, the cost of completing any mileage designated from the one thousand additional miles authorized by section 108 (l) of the Federal-Aid Highway Act of 1956 shall be excluded.

(c) Not more than 20 per centum of the amount apportioned in any fiscal year, commencing with the apportionment of funds authorized to be appropriated under sub-

1964, June 30, 1965, and June 30, 1966. The Secretary of Commerce shall make a revised estimate of the cost of completing the then designated Interstate System, after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1966, and annually thereafter through and including January 2, 1968. Upon approval of any such estimate by the Congress by concurrent resolution, the Secretary of Commerce shall use such approved estimate in making apportionments for the fiscal year which begins next following the fiscal year in which such report is transmitted to the Senate and the House of Representatives. Whenever the Secretary of Commerce, pursuant to this subsection, requests and receives estimates of cost from the State highway departments, he shall furnish copies of such estimates at the same time to the Senate and the House of Representatives.

*1956 Act, sec. 108 (l), part*

\* \* \* *Provided*, That the cost of completing any mileage designated from the one thousand additional miles authorized by this subsection shall be excluded in making the estimates of cost for completing the Interstate System as provided in subsection (d) of this section.

*1956 Act, sec. 102 (c)*

TRANSFERS OF APPORTIONMENTS.—Not more than 20 per centum of the respective amounts apportioned to a

section (a) of section 102 of the Federal-Aid Highway Act of 1956 (70 Stat. 374), to each State in accordance with paragraph (1), (2), or (3) of subsection (b) of this section may be transferred from the apportionment under one paragraph to the apportionment under any other of such paragraphs if such a transfer is requested by the State highway department and is approved by the Governor of such State and the Secretary as being in the public interest. The total of such transfers shall not increase the original apportionment under any of such paragraphs by more than 20 per centum. Nothing contained in this subsection shall alter or impair the authority contained in subsection (d) of this section.

(d) Any funds which are apportioned under paragraph (2) of subsection (b) of this section for the Federal-aid secondary system to a State in which all public roads and highways are under the control and supervision of the State highway department may, if the State highway department and the Secretary jointly agree that such funds are not needed for the Federal-aid secondary system, be expended for projects on another Federal-aid system.

State for any fiscal year from funds made available for expenditure under clause (A), clause (B), or clause (C) of subsection (a) (1) of this section, may be transferred to the apportionment made to such State under any other of such clauses, except that no such apportionment may be increased by more than 20 per centum by reason of transfers to it under this subsection: *Provided*, That such transfer is requested by the State highway department and is approved by the Governor of such State and the Secretary of Commerce as being in the public interest: *Provided further*, That the transfers hereinabove permitted for funds authorized to be appropriated for the fiscal years ending June 30, 1958, and June 30, 1959, shall likewise be permitted on the same basis for funds which may be hereafter authorized to be appropriated for any subsequent fiscal year: *And provided further*, That nothing herein contained shall be deemed to alter or impair the authority contained in the last proviso to paragraph (b) of section 3 of the Federal-Aid Highway Act of 1944.

1944 Act, sec. 3 (b), last proviso

*Provided further*, That any of such funds for secondary and feeder roads which are apportioned to a State in which all public roads and highways are under the control and supervision of the State highway department may, if the State highway department and the Commissioner of Public Roads jointly agree that such funds are not needed for secondary and feeder roads, be expended for projects in such State on the Federal-aid highway system.

(c) On or before January 1 preceding the commencement of each fiscal year, the Secretary shall certify to each of the State highway departments the sums which he has apportioned hereunder to each State for such fiscal year, and also the sums which he has deducted for administration and research pursuant to subsection (a) of this section.

*Note:* Section 104 (a), last sentence, would provide that unexpended balances of sums deducted for administrative expenses for prior years would be taken into account in determining the necessary deduction for the current year. Separate apportionment of unexpended balances would not be required. Under the Language of the 1921 Act, within sixty days after the close of each fiscal year, any sums previously deducted for administration and not needed are to be reapportioned. Over the years, the Bureau has followed the practice of carrying over any unexpended amounts which had been so deducted and taking these amounts into consideration in making deductions under the next apportionment. The carryover method was developed in order to carry out, in the most economical and efficient manner, the intent of Congress that the States receive the benefit of any sums not needed for administrative and research purposes. Such method results in an increased sum for apportionment to the States at the next regular apportionment of Federal-aid funds in the same amount as otherwise would be reapportioned. This method, therefore, eliminates considerable paper work and accomplishes the purpose of the law.

#### *Sec. 105. Programs*

(a) As soon as practicable after the apportionments for the Federal-aid systems have been made for any fiscal year, the State highway department of any State desiring

#### *1921 Act, sec. 22*

That within sixty days after the approval of this act the Secretary of Agriculture shall certify to the Secretary of the Treasury and to each of the State highway departments the sum he has estimated to be deducted for administering the provisions of this act and the sums which he has apportioned to each State for the fiscal year ending June 30, 1922, and on or before January 20 next preceding the commencement of each succeeding fiscal year, and shall make like certificates for each fiscal year.

#### *1936 Act, sec. 1 (b), 2d sentence*

When said apportionment has been made for any fiscal year, the State highway departments may submit projects to the Secretary of Agriculture for his approval.



to avail itself of the benefits of this chapter shall submit to the Secretary for his approval a program or programs of proposed projects for the utilization of the funds apportioned. The Secretary shall act upon programs submitted to him as soon as practicable after the same have been submitted. The Secretary may approve a program in whole or in part, but he shall not approve any project in a proposed program which is not located upon an approved Federal-aid system.

(b) In approving programs for projects on the Federal-aid secondary system, the Secretary shall require, except in States where all public roads and highways are under the control and supervision of the State highway department, that such projects be selected by the State highway department and the appropriate local officials in cooperation with each other.

(c) In approving programs for projects on the Federal-aid primary system, the Secretary shall give preference to such projects as will expedite the completion of an adequate and connected system of highways interstate in character.

(d) In approving programs for projects under this title, the Secretary may give priority of approval to, and expedite the construction of, projects that are recommended as important to the national defense by the Secretary of Defense, or other official authorized by the President to make such recommendation.

#### *1921 Act, sec. 11, 1st sentence*

That any State having complied with the provisions of this act, and desiring to avail itself of the benefits thereof, shall by its State highway department submit to the Secretary of Agriculture project statements setting forth proposed construction or reconstruction of any primary or interstate, or secondary or intercounty highway therein.

#### *1950 Act, sec. 1 (b)*

\* \* \* the Federal-aid secondary highway system \* \* \* the projects for construction shall be selected \* \* \* by the State highway department and the appropriate local officials in cooperation with each other.

#### *1921 Act, sec. 6, 1st paragraph*

That in approving projects to receive Federal aid under the provisions of this act the Secretary of Agriculture shall give preference to such projects as will expedite the completion of an adequate and connected system of highways interstate in character.

#### *1940 Act, sec. 19*

In approving Federal-aid highway projects to be carried out with any unobligated funds apportioned to any State, the Commissioner of Public Roads may give priority of approval to, and expedite, and construction of, projects that are recommended by the appropriate Federal defense agency as important to the national defense.

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(e) In approving programs in Hawaii, the Secretary shall give preference to such projects as will expedite the completion of highways for the national defense or which will connect seaports with units of the national parks.

*Act of March 10, 1924 (43 Stat. 17), proviso*  
*Provided*, That in approving road projects in such Territory to receive Federal aid, the Secretary of Agriculture shall give preference to such projects as will expedite the completion of an adequate system of highways for the national defense or which will connect seaports with units of the national parks.

*Note*: Section 105 (a) of the bill refers to a "program" of proposed projects instead of a "project statement" as contained in existing law. This minor change conforms to the procedure and regulations of the Bureau of Public Roads which have been in effect for many years.

*Sec. 106. Plans, Specifications and Estimates*

(a) Except as provided in section 117 of this title, the State highway department shall submit to the Secretary for his approval, as soon as practicable after program approval, such surveys, plans, specifications, and estimates for each proposed project included in an approved program as the Secretary may require. The Secretary shall act upon such surveys, plans, specifications, and estimates as soon as practicable after the same have been submitted, and his approval of any such project shall be deemed contractual obligation of the Federal Government for the payment of its proportional contribution thereto. In taking such action, the Secretary shall be guided by the provisions of section 109 of this title.

(b) In addition to the approval required under subsection (a) of this section, proposed specifications for projects for construction on the Federal-aid secondary system, except in States where all public roads and highways are

*1921 Act, sec. 11, 1st and 2d paragraphs (part)*

If the Secretary of Agriculture approve the project, the State highway department shall furnish to him such surveys, plans, specifications, and estimates therefor as he may require \* \* \*

That when the Secretary of Agriculture approves such surveys, plans, specifications and estimates \* \* \*.

*1936 Act, sec. 1 (b), part*

The Secretary of Agriculture shall act upon projects submitted to him under any such apportionment and his approval of any such project shall be deemed a contractual obligation of the Federal Government for the payment of its proportional contribution thereto \* \* \*.

*1950 Act, sec. 1 (b), proviso (part)*

\* \* \* Secondary \* \* \* roads \* \* \* projects for construction \* \* \* specifications with respect thereto shall be determined by the State highway department and the

appropriate local officials in cooperation with each other.

*1921 Act, sec. 11, first paragraph (part)*

\* \* \* items included for engineering, inspection, and unforeseen contingencies shall not exceed 10 per centum of the total estimated costs of its construction.

under the control and supervision of the State highway department, shall be determined by the State highway department and the appropriate local officials in cooperation with each other.

(c) Items included in any such estimate for construction engineering shall not exceed 10 per centum of the total estimated cost of the project, after excluding from such total estimated cost, the estimated costs of rights-of-way, preliminary engineering, and construction engineering.

*Note:* Section 106 (a) of the bill provides that approval by the Secretary of any project (plans, specifications, and estimates) shall be deemed a contractual obligation of the Federal Government for the payment of its proportional contribution relating thereto. This language conforms to the established Bureau procedure based upon section 1 (b) of the 1936 act. The second proviso in section 2 of the 1944 act refers to the approval of the project agreement as constituting the contractual obligation of the Federal Government. The bill by omitting this latter provision eliminates the possible conflict between the 1936 and 1944 acts.

Section 106 (c) contains slight language changes for clarification to make it expressly clear that the estimate upon which the 10 percent limitation for construction engineering is based refers only to the estimate for actual construction costs and that such limitation does not apply to unforeseen contingencies, which cannot be estimated. The revised language is in line with actual experience and practice on the part of the Bureau of Public Roads.

*Sec. 107. Acquisition of Rights-of-Way—Interstate System.*

(a) In any case in which the Secretary is requested by any State to acquire lands or interests in lands (including within the term "interests in lands", the control of access thereto from adjoining lands) required by such State for right-of-way or other purposes in connection with the prosecution of any project for the construction, reconstruction, or improvement of any section of the Interstate System, the Secretary is authorized in the name of the United States and prior to the approval of title by the

*1956 Act, sec. 109 (a)*

FEDERAL ACQUISITION FOR STATES.—In any case in which the Secretary of Commerce is requested by any State to acquire any lands or interests in lands (including within the term "interests in lands", the control of access thereto from adjoining lands) required by such State for right-of-way or other purposes in connection with the prosecution of any project for the construction, reconstruction, or improvement of any section of the Interstate System, the Secretary of Commerce is authorized, in the



Attorney General, to acquire, enter upon, and take possession of such lands or interests in lands by purchase, donation, condemnation, or otherwise in accordance with the laws of the United States (including the Act of February 26, 1931, 46 Stat. 1421), if—

(1) the Secretary has determined either that such State is unable to acquire necessary lands or interests in lands, or is unable to acquire such lands or interests in lands with sufficient promptness; and

(2) such State has agreed with the Secretary to pay, at such time as may be specified by the Secretary, an amount equal to 10 per centum of the costs incurred by the Secretary, in acquiring such lands or interests in lands, or such lesser percentage which represents the State's pro rata share of project costs as determined in accordance with subsection (c) of section 120 of this title.

The authority granted by this section shall also apply to lands and interests in lands received as grants of land from the United States and owned or held by railroads or other corporations.

(b) The costs incurred by the Secretary in acquiring any such lands or interests in lands may include the cost of examination and abstract of title, certificate of title, advertising, and any fees incidental to such acquisition. All costs incurred by the Secretary in connection with the acquisition of any such lands or interests in lands shall be

name of the United States and prior to the approval of title by the Attorney General, to acquire, enter upon, and take possession of such lands or interests in lands by purchase, donation, condemnation, or otherwise in accordance with the laws of the United States (including the Act of February 26, 1931, 46 Stat. 1421), if—

(1) the Secretary of Commerce has determined either that such State is unable to acquire necessary lands or interests in lands, or is unable to acquire such lands or interests in lands with sufficient promptness; and

(2) such State has agreed with the Secretary of Commerce to pay, at such time as may be specified by the Secretary of Commerce, an amount equal to 10 per centum of the costs incurred by the Secretary of Commerce, in acquiring such lands or interests in lands, or such lesser percentage which represents the State's pro rata share of project costs as determined in accordance with section 108 (c) of this title.

The authority granted by this section shall also apply to lands and interests in lands received as grants of land from the United States and owned or held by railroads or other corporations.

*1956 Act, sec. 109 (b)*

**COSTS OF ACQUISITION.**—The costs incurred by the Secretary of Commerce in acquiring any such lands or interests in lands may include the cost of examination and abstract of title, certificate of title, advertising, and any fees incidental to such acquisition. All costs incurred by

the Secretary of Commerce in connection with the acquisition of any such lands or interests in lands shall be paid from the funds for construction, reconstruction, or improvement of the Interstate System apportioned to the State upon the request of which such lands or interests in lands are acquired, and any sums paid to the Secretary by such State as its share of the costs of acquisition of such lands or interests in lands shall be deposited in the Treasury to the credit of the appropriation for Federal-aid highways and shall be credited to the amount apportioned to such State as its apportionment of funds for construction, reconstruction, or improvement of the Interstate System, or shall be deducted from other moneys due the State for reimbursement under section 108 of this title.

*1956 Act, sec. 109 (c)*

CONVEYANCE OF ACQUIRED LANDS TO THE STATES.—The Secretary of Commerce is further authorized and directed by proper deed, executed in the name of the United States, to convey any such lands or interests in lands acquired in any State under the provisions of this section, except the outside five feet of any such right-of-way in any State which does not provide control of access, to the State highway department of such State or such political subdivisions thereof as its laws may provide, upon such terms and conditions as to such lands or interests in lands as may be agreed upon by the Secretary of Commerce and the State highway department or political subdivisions to which the conveyance is to be made. Whenever the State makes provision for control of access satisfactory to the Secretary of Commerce, the outside

paid from the funds for construction, reconstruction, or improvement of the Interstate System apportioned to the State upon the request of which such lands or interests in lands are acquired, and any sums paid to the Secretary by such State as its share of the costs of acquisition of such lands or interests in lands shall be deposited in the Treasury to the credit of the appropriation for Federal-aid highways and shall be credited to the amount apportioned to such State as its apportionment of funds for construction, reconstruction, or improvement of the Interstate System, or shall be deducted from other moneys due the State for reimbursement from funds authorized to be appropriated under section 108 (b) of the Federal-Aid Highway Act of 1956.

(c) The Secretary is further authorized and directed by proper deed, executed in the name of the United States, to convey any such lands or interests in lands acquired in any State under the provisions of this section, except the outside five feet of any such right-of-way in any State which does not provide control of access, to the State highway department of such State or such political subdivision thereof as its laws may provide, upon such terms and conditions as to such lands or interests in lands as may be agreed upon by the Secretary and the State highway department or political subdivisions to which the conveyance is to be made. Whenever the State makes provision for control of access satisfactory to the Secretary, the outside five feet then shall be conveyed to the State by the Secretary, as herein provided.

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five feet then shall be conveyed to the State by the Secretary of Commerce, as herein provided.

*1956 Act, sec. 109 (d)*

(d) Whenever rights-of-way, including control of access, on the Interstate System are required over lands or interests in lands owned by the United States, the Secretary may make such arrangements with the agency having jurisdiction over such lands as may be necessary to give the State or other person constructing the projects on such lands adequate rights-of-way and control of access thereto from adjoining lands, and any such agency is hereby directed to cooperate with the Secretary in this connection.

RIGHTS-OF-WAY OVER PUBLIC LANDS.—Whenever rights-of-way, including control of access, on the Interstate System are required over public lands or reservations of the United States, the Secretary of Commerce may make such arrangements with the agency having jurisdiction over such lands as may be necessary to give the State or other person constructing the projects on such lands adequate rights-of-way and control of access thereto from adjoining lands, and any such agency is hereby directed to cooperate with the Secretary of Commerce in this connection.

*Note:* In section 107 (d) the term "lands or interests in lands" is substituted for "public lands or reservations" for purposes of clarity.

*Sec. 108. Advance Acquisition of Rights-of-Way*

(a) For the purpose of facilitating the acquisition of rights-of-way on any of the Federal-aid highway systems, including the Interstate System, in the most expeditious and economical manner, and recognizing that the acquisition of rights-of-way requires lengthy planning and negotiations if it is to be done at a reasonable cost, the Secretary, upon the request of the State highway department, is authorized to make available the funds apportioned to any State for expenditure on any of the Federal-aid highway systems, including the Interstate System, for acquisition of rights-of-way, in anticipation of

*1956 Act, Sec. 110*

(a) ADVANCE RIGHT-OF-WAY ACQUISITION.—For the purpose of facilitating the acquisition of rights-of-way on any of the Federal-aid highway systems, including the Interstate System, in the most expeditious and economical manner, and recognizing that the acquisition of rights-of-way requires lengthy planning and negotiations if it is to be done at a reasonable cost, the Secretary of Commerce is hereby authorized, upon request of a State highway department, to make available to such State for acquisition of rights-of-way, in anticipation of construction and under such rules and regulations as the Secretary of Com-



construction and under such rules and regulations as the Secretary may prescribe. The agreement between the Secretary and the State highway department for the reimbursement of the cost of such rights-of-way shall provide for the actual construction of a road on such rights-of-way within a period not exceeding five years following the fiscal year in which such request is made.

(b) Federal participation in the cost of rights-of-way acquired under this section shall not exceed the Federal pro rata share applicable to the class of funds from which Federal reimbursement is made.

*Sec. 109. Standards*

(a) The Secretary shall not approve plans and specifications for proposed projects on any Federal-aid system if they fail to provide for a facility (1) that will adequately meet the existing and probable future traffic needs and conditions in a manner conducive to safety, durability, and economy of maintenance; and (2) that will be designed and constructed in accordance with standards best suited to accomplish the foregoing objectives and to conform to the particular needs of each locality.

merce may prescribe, the funds apportioned to such State for expenditure on any of the Federal-aid highway systems, including the Interstate System: *Provided*, That the agreement between the Secretary of Commerce and the State highway department for the reimbursement of the cost of such rights-of-way shall provide for the actual construction of a road on such rights-of-way within a period not exceeding five years following the fiscal year in which such request is made: *Provided further*, That Federal participation in the cost of rights-of-way so acquired shall not exceed the Federal pro rata share applicable to the class of funds from which Federal reimbursement is made.

*1956 Act, sec. 110 (a) part*

*Provided further*, That Federal participation in the cost of rights-of-way so acquired shall not exceed the Federal pro rata share applicable to the class of funds from which Federal reimbursement is made.

*1921 Act, sec. 8*

That only such durable types of surface and kinds of materials shall be adopted for the construction and reconstruction of any highway which is a part of the primary or interstate and secondary or intercounty systems as will adequately meet the existing and probable future traffic needs and conditions thereon. The Secretary of Agriculture shall approve the types and width of construction and reconstruction and the character of improvement, repair, and maintenance in each case, consideration being given to the type and character which

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shall be best suited for each locality and to the probable character and extent of the future traffic.

*1921 Act, sec. 9, 2d paragraph*

That all highways in the primary or interstate system constructed after the passage of this act shall have a right of way of ample width and a wearing surface of an adequate width which shall not be less than eighteen feet, unless, in the opinion of the Secretary of Agriculture, it is rendered impracticable by physical conditions, excessive costs, probable traffic requirements, or legal obstacles.

*1938 Act, sec. 12, (part)*

Hereafter the Secretary of Agriculture shall approve only \* \* \* such plans and specifications of highway construction for the type or types proposed \* \* \* conducive to safety, durability, and economy of maintenance.

*1956 Act, Sec. 108*

(b) The geometric and construction standards to be adopted for the Interstate System shall be those approved by the Secretary in cooperation with the State highway departments. Such standards shall be adequate to accommodate the types and volumes of traffic forecast for the year 1975. The right-of-way width of the Interstate System shall be adequate to permit construction of projects on the Interstate System up to such standards. The Secretary shall apply such standards uniformly throughout the States.

(i) STANDARDS.—The geometric and construction standards to be adopted for the Interstate System shall be those approved by the Secretary of Commerce in cooperation with the State highway departments. Such standards shall be adequate to accommodate the types and volumes of traffic forecast for the year 1975. The right-of-way width of the Interstate System shall be adequate to permit construction of projects on the Interstate System up to such standards. The Secretary of Commerce shall apply such standards uniformly throughout the States. Such standards shall be adopted by the Secretary of Commerce

in cooperation with the State highway departments as soon as practicable after the enactment of this Act.

*1950 Act, sec. 1 (b), proviso (part)*

That such funds shall be expended on the secondary and feeder roads \* \* \* with types of construction that can be maintained at reasonable cost to provide all-weather service. \* \* \*

*1944 Act, sec. 12*

On any highway or street hereafter constructed with Federal aid in any State, the location, form, and character of informational, regulatory, and warning signs, curb and pavement or other markings, and traffic signals installed or placed by any public authority, or other agency, shall be subject to the approval of the State highway department with the concurrence of the Public Roads Administration; and the Commissioner of Public Roads is hereby directed to concur only in such installations as will promote the safe and efficient utilization of the highways.

*1936 Act, sec. 8, proviso*

*Provided*, That no part of the appropriations hereafter made for the purpose of carrying out the provisions of the Federal Highway Act, or any Acts amendatory thereof or supplementary thereto, shall be approved for expenditure on any highway unless proper safety protective devices shall be installed or be in operation at any highway and railroad grade crossing or drawbridge on that portion of the highway with respect to which such expenditures are to be made and said devices shall comply with the safety standards determined by the United States Bureau of Public Roads at that time as being adequate.

(c) Projects on the Federal-aid secondary system in which Federal funds participate shall be constructed according to specifications that will provide all-weather service and permit maintenance at a reasonable cost.

(d) On any highway project in which Federal funds hereafter participate, or on any such project constructed since December 20, 1944, the location, form and character of informational, regulatory and warning signs, curb and pavement or other markings, and traffic signals installed or placed by any public authority or other agency, shall be subject to the approval of the State highway department with the concurrence of the Secretary, who is hereby directed to concur only in such installations as will promote the safe and efficient utilization of the highways.

(e) No funds shall be approved for expenditure on any Federal-aid highway, or highway affected under chapter 2 of this title, unless proper safety protective devices complying with safety standards determined by the Secretary at that time as being adequate shall be installed or be in operation at any highway and railroad grade crossing or drawbridge on that portion of the highway with respect to which such expenditures are to be made.



(f) The Secretary shall not, as a condition precedent to his approval under section 106 of this title, require any State to acquire title to, or control of, any marginal land along the proposed highway in addition to that reasonably necessary for road surfaces, median strips, gutters, ditches, and side slopes, and of sufficient width to provide service roads for adjacent property to permit safe access at controlled locations in order to expedite traffic, promote safety, and minimize roadside parking.

*Note:* Section 109 (a) of the bill modernizes the language in existing law to conform to present-day conditions. For example, it eliminates reference to the obsolete minimum width requirement of 18 feet since present-day needs often require a wider minimum.

#### *Sec. 110. Project Agreements*

(a) As soon as practicable after the plans, specifications, and estimates for a specific project have been approved, the Secretary shall enter into a formal project agreement with the State highway department concerning the construction and maintenance of such project. Such project agreement shall make provision for State funds required for the State's pro rata share of the cost of construction of such project and for the maintenance thereof after completion of construction.

#### *1944 Act, sec. 2, last proviso*

*Provided, however,* That the Commissioner of Public Roads shall not, as a condition of approval of any project for Federal aid hereunder, require any State to acquire title to, or control of, any marginal land along the proposed highway in addition to that reasonably necessary for road surfaces, median strips, gutters, ditches, and side slopes and sufficient width to provide service roads for adjacent property to permit safe access at controlled locations in order to expedite traffic, promote safety, and minimize roadside parking.

the language in existing law to conform to present-day conditions. For example, it eliminates minimum width requirement of 18 feet since present-day needs often require a wider minimum.

#### *1944 Act, sec. 2, part*

As soon as the funds for each of the post-war fiscal years have been apportioned, the Commissioner of Public Roads is authorized to enter into agreements with the State highway departments for the making of surveys and plans, the acquisition of rights-of-way, and the post-war construction of projects.

#### *1921 Act, sec. 7*

That before any project shall be approved by the Secretary of Agriculture for any State such State shall make provisions for State funds required each year of such States by this Act for construction, reconstruction, and maintenance of all Federal-aid highways within the State, which

funds shall be under the direct control of the State highway department.

(b) The Secretary may rely upon representations made by the State highway department with respect to the arrangements or agreements made by the State highway department and appropriate local officials where a part of the project is to be constructed at the expense of, or in cooperation with, local subdivisions of the State.

*Note:* Section 110 (a) of the bill consolidates existing provisions of law and is descriptive of procedures followed by the Bureau of Public Roads.<sup>1</sup>

Section 110 (b) incorporates in express language the interpretation of existing law since local subdivisions of a State at times participate in Federal-aid work. This language will result in no change in operating procedures.

#### *Sec. 111. Agreements Relating to Use of and Access to Rights-of-Way—Interstate System*

All agreements between the Secretary and the State highway department for the construction of projects on the Interstate System shall contain a clause providing that the State will not add any points of access to, or exit from, the project in addition to those approved by the Secretary without the prior approval of the Secretary. Such agreements shall also contain a clause providing that the State will not permit automotive service stations or other commercial establishments for serving motor vehicle users to be constructed or located on the rights-of-way of the Interstate System. Such agreements may, however, authorize a State or political subdivision thereof to use the air space above and below the established grade line of the highway pavement for the parking of motor vehicles provided such use does not interfere in any way with the free flow of traffic on the Interstate System.

#### *1956 Act, Sec. 112*

All agreements between the Secretary of Commerce and the State highway department for the construction of projects on the Interstate System shall contain a clause providing that the State will not add any points of access to, or exit from, the project in addition to those approved by the Secretary in the plans for such project, without the prior approval of the Secretary. Such agreements shall also contain a clause providing that the State will not permit automotive service stations or other commercial establishments for serving motor vehicle users to be constructed or located on the rights-of-way of the Interstate System. Such agreements may, however, authorize a State or political subdivision thereof to use the air space above and below the established grade line of the highway pavement for the parking of motor vehicles provided such use does not interfere in any way with the free flow of traffic on the Interstate System.

*Sec. 112. Letting of Contracts*

(a) In all cases where the construction is to be performed by the State highway department or under its supervision, a request for submission of bids shall be made by advertisement unless some other method is approved by the Secretary. The Secretary shall require such plans and specifications and such methods of bidding as shall be effective in securing competition.

(b) Construction of each project, subject to the provisions of subsection (a) of this section, shall be performed by contract awarded by competitive bidding, unless the Secretary shall affirmatively find that, under the circumstances relating to such project some other method is in the public interest. All such findings shall be reported promptly in writing to the Committees on Public Works of the Senate and the House of Representatives.

(c) The Secretary shall require as a condition precedent to his approval of each contract awarded by competitive bidding pursuant to subsection (b), and subject to the provisions of this section, a sworn statement, executed by, or on behalf of, the person, firm, association or corporation to whom such contract is to be awarded, certifying

*1938 Act, sec. 12*

Hereafter the Secretary of Agriculture shall approve only such methods of bidding and such plans and specifications of highway construction for the type or types proposed as will be effective in securing competition and conducive to safety, durability, and economy of maintenance.

*1954 Act, sec. 17 (a)*

Highway construction work performed in pursuance of agreements between the Secretary of Commerce and any State highway department which requires approval by the Secretary of Commerce and which is financed in whole or in part by funds authorized under this or succeeding Acts, shall be performed by contract awarded by competitive bidding under such procedures as may be by regulations be prescribed by the Secretary of Commerce, unless the Secretary of Commerce shall affirmatively find that, under the circumstances relating to a given project, some other method is in the public interest. All such findings shall be reported promptly in writing to the Committees on Public Works of the Senate and the House of Representatives.

*1954 Act, sec. 17 (b)*

In any case in which approval by the Secretary of Commerce of any contract for such highway construction work is required, the Secretary shall require as a condition precedent to such approval a sworn statement, executed by, or on behalf of, the person, firm, association, or



that such person, firm, association or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with such contract.

(d) No contract awarded by competitive bidding pursuant to subsection (b), and subject to the provisions of this section, shall be entered into by any State highway department or local subdivision of the State without compliance with the provisions of this section, and without the prior concurrence by the Secretary in the award thereof.

(e) The provisions of this section shall not be applicable to contracts for projects on the Federal-aid secondary system in those States where the Secretary has discharged his responsibility pursuant to section 117 of this title.

*Note:* The provisions of section 112 (a) concerning the requirement for advertisement are in line with administrative practice under existing law.

The language in section 112 (e) is interpretive of existing law and is for purposes of clarification only.

### *Sec. 113. Prevailing Rate of Wage—Interstate System*

(a) The Secretary shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors on the initial construction work performed on highway projects on the Interstate System authorized under section 108 (b) of the Federal-Aid Highway Act of 1956, shall be paid wages at rates not less than those prevailing on the same type

corporation to whom such contract is to be awarded, certifying that such person, firm, association, or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with such contract.

### *1921 Act, sec. 12, 1st sentence (part)*

\* \* \* all contracts, plans, specifications, and estimates relating thereto, shall be undertaken by the State highway departments subject to the approval of the Secretary of Agriculture.

The requirement for advertisement are in line

with administrative practice under existing law and is for purposes of clarification

### *1956 Act, sec. 115*

(a) APPLICATION OF DAVIS-BACON ACT.—The Secretary of Commerce shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors on the initial construction work performed on highway projects on the Interstate System authorized under section 108 of this title shall be paid wages at rates not less than those prevailing on the

of work on similar construction in the immediate locality as determined by the Secretary of Labor in accordance with the Act of August 30, 1935, known as the Davis-Bacon Act (40 U. S. C., sec. 276-a).

(b) In carrying out the duties of subsection (a), the Secretary of Labor shall consult with the highway department of the State in which a project on the Interstate System is to be performed. After giving due regard to the information thus obtained, he shall make a predetermination of the minimum wages to be paid laborers and mechanics in accordance with the provisions of the foregoing subsection which shall be set out in each project advertisement for bids and in each bid proposal form and shall be made a part of the contract covering the project.

#### *Sec. 114. Construction*

(a) The construction of any highways or portions of highways located on a Federal-aid system shall be undertaken by the respective State highway departments or under their direct supervision. Except as provided in section 117 of this title, such construction shall be subject to the inspection and approval of the Secretary. The construction work and labor in each State shall be performed under the direct supervision of the State highway department and in accordance with the laws of that State and applicable Federal laws. Construction may be begun as soon as funds are available for expenditure pursuant to subsection (a) of section 118 of this title.

same type of work on similar construction in the immediate locality as determined by the Secretary of Labor in accordance with the Act of August 30, 1935, known as the Davis-Bacon Act (40 U. S. C., sec. 276-a).

(b) CONSULTATION WITH STATE HIGHWAY DEPARTMENTS; PREDETERMINATION OF RATES.—In carrying out the duties of the foregoing subsection, the Secretary of Labor shall consult with the highway department of the State in which a project on the Interstate System is to be performed. After giving due regard to the information thus obtained, he shall make a predetermination of the minimum wages to be paid laborers and mechanics in accordance with the provisions of the foregoing subsection which shall be set out in each project advertisement for bids and in each bid proposal form and shall be made a part of the contract covering the project.

#### *1921 Act, sec. 12*

That the construction and reconstruction of the highways or parts of highways under the provisions of this act \* \* \* shall be undertaken by the State highway departments subject to the approval of the Secretary of Agriculture. The construction and reconstruction work and labor in each State shall be done in accordance with its laws and under the direct supervision of the State highway department, subject to the inspection and approval of the Secretary of Agriculture and in accordance with the rules and regulations pursuant to this act.

*1936 Act, sec. 1 (b), proviso (part)*

That projects approved under any apportionment before the beginning of the fiscal year for which such apportionment has been made may be contracted for by the States and construction thereon may be begun \* \* \*

*Act approved June 20, 1956 (70 Stat. 314)*

None of the money appropriated for the work of the Bureau of Public Roads during the current fiscal year shall be paid to any State on account of any project on which convict labor shall be employed, but this provision shall not apply to labor performed by convicts on parole or probation.

*Note:* The third sentence of section 114 (a) of the bill includes the phrase "and applicable Federal laws." Such statement is for clarification only and does not represent a change in existing law.

*Sec. 115. Construction by States in Advance of Apportionment—Interstate System*

(a) When a State has obligated all funds apportioned to it under subsection (b) (4) and (5) of section 104 of this title, and proceeds to construct any project without the aid of Federal funds, including one or more parts of any project, on the Interstate System as designated at that time, in accordance with all procedures and all requirements applicable to projects financed with Interstate System funds authorized to be appropriated under subsection (b) of section 108 of the Federal-Aid Highway Act of 1956, except insofar as such procedures and requirements limit a State to the construction of projects with the aid of Federal funds previously apportioned to it, the Secretary, upon application by such State and his approval of such application, is authorized, whenever additional funds are apportioned to such State under this section, to pay to such State from

*1956 Act, sec. 108 (h)*

(h) In any case in which a State has obligated all funds apportioned to it under this section and proceeds, subsequent to the date of enactment of this Act, to construct (without the aid of Federal funds) any project (including one or more parts of any project) on the Interstate System, as designated at that time, in accordance with all procedures and all requirements applicable to projects financed under the provisions of this section (except insofar as such procedures and requirements limit a State to the construction of projects with the aid of Federal funds previously apportioned to it), the Secretary of Commerce, upon application by such State and his approval of such application, is authorized, whenever additional funds are apportioned to such State under this section, to pay to such State from

(b) Convict labor shall not be used in such construction unless it is labor performed by convicts who are on parole or probation.



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approval of such application, is authorized to pay to such State the Federal share of the costs of construction of such project when additional funds are apportioned to such State under subsection (b) (4) and (5) of section 104 of this title if—

(1) prior to the construction of the project the Secretary shall have approved the plans and specifications therefor in the same manner as other projects on the Interstate System; and

(2) the project shall conform to the standards adopted under subsection (b) of section 109 of this title.

(b) In determining the apportionment for any fiscal year under the provisions of subsection (b) (5) of section 104 of this title, any such project constructed by a State without the aid of Federal funds shall not be considered completed until an application under the provisions of this section with respect to such project has been approved by the Secretary.

*Sec. 116. Maintenance*

(a) Except as provided in subsection (d) of this section, it shall be the duty of the State highway department to maintain, or cause to be maintained, any project constructed under the provisions of this chapter or constructed under the provisions of prior Acts. The State's obligation to the United States to maintain any such project shall cease when it no longer constitutes a part of a Federal-aid system.

(b) In any State wherein the State highway department is without legal authority to maintain a project

such funds the Federal share of the costs of construction of such project: *Provided*, That prior to construction of any such project, the plans and specifications therefore shall have been approved by the Secretary of Commerce in the same manner as other projects on the Interstate System: *Provided further*, That any such project shall conform to the standards adopted under subsection (i). In determining the apportionment for any fiscal year under the provisions of subsection (d) of this section, any such project constructed by a State without the aid of Federal funds shall not be considered completed until an application under the provisions of this subsection with respect to such project has been approved by the Secretary of Commerce.

*1950 Act, sec. 6*

It shall be the duty of the State to maintain any highway within its boundaries after construction under the provisions of this Act. If any time the Commissioner of the Bureau of Public Roads shall find that any such highway in any State is not being properly maintained he shall call such fact to the attention of the highway department of such State and if within ninety days after receipt of such notice said highway has not been put in a proper condition of maintenance, then the Commissioner of Public Roads shall withhold approval of further projects

constructed on the Federal-aid secondary system, or within a municipality, such highway department shall enter into a formal agreement for its maintenance with the appropriate officials of the county or municipality in which such project is located.

(c) If at any time the Secretary shall find that any project constructed under the provisions of this chapter, or constructed under the provisions of prior acts, is not being properly maintained, he shall call such fact to the attention of the State highway department. If, within ninety days after receipt of such notice, such project has not been put in proper condition of maintenance, the Secretary shall withhold approval of further projects of all types in the entire State until such project shall have been put in proper condition of maintenance, unless such project is subject to an agreement pursuant to paragraph (b) of this section, in which case approval shall be withheld only for secondary or urban projects in the county or municipality where such project is located.

(d) The Federal-aid funds apportioned to the Territory of Alaska and the funds contributed by the Territory under section 120 of this title may be expended for the maintenance of roads within the system or systems of roads agreed upon under section 103 (f) of this title under the same terms and conditions as for the construction of such roads.

*Note:* Section 116 (a) of the bill provides that the duty of maintenance on the part of the States with respect to a Federal-aid project shall cease when such project has been removed from a Federal-aid system. Upon such removal, Federal interest on the project ceases, and therefore the State's obligation to the United States to maintain should also terminate. This is particularly true in the case of relocation of existing roads. This language has been included as a clarification of existing law.

in such State until such highway has been restored to a proper condition of maintenance: *Provided*, That in any State wherein the highway department is without legal authority to maintain a highway so constructed as a secondary or an urban road project the highway department of such State shall enter into a formal agreement with the appropriate officials of the county or city in which such highway is located for its maintenance, and if at any time the Commissioner of Public Roads shall find that such highway is not being properly maintained he shall call such fact to the attention of the highway department of such State and if within ninety days after receipt of such notice said highway has not been put in proper condition of maintenance then the Commissioner of Public Roads shall withhold approval of further secondary or urban road projects in such county or city until said highway shall have been placed in a proper condition of maintenance.

*1956 Act, sec. 107 (a), part*

\* \* \* and both such funds may be expended for the maintenance of roads within the system or systems of roads agreed upon under the same terms and conditions as for the construction of such roads.

*Sec. 117. Secondary Road Responsibility*

(a) The Secretary may, upon the request of any State highway department, discharge his responsibility relative to the plans, specifications, estimates, surveys, contract awards, design, inspection, and construction of all projects on the Federal-aid secondary system by his receiving and approving a certified statement by the State highway department setting forth that the plans, design, and construction for each such project are in accord with those standards and procedures which (1) were adopted by such State highway department, (2) were applicable to projects in this category, and (3) were approved by him.

(b) The Secretary shall not approve such standards and procedures unless they are in accordance with the provisions of subsection (b) of section 105, subsection (b) of section 106, and subsection (c) of section 109, of this title.

(c) Subsections (a) and (b) of this section shall not be construed to relieve the Secretary of his obligation to make a final inspection of each project after construction and to require an adequate showing of the estimated cost of construction and the actual cost of construction.

*1958 Act, Sec. 1 (b) part*

*Provided further*, That in the case of those sums heretofore, herein, or hereafter apportioned to any State for projects on the Federal-aid secondary highway system, the Secretary of Commerce may, upon the request of any State, discharge his responsibility relative to the plans, specifications, estimates, surveys, contract awards, design, inspection, and construction of such secondary road projects by his receiving and approving a certified statement by the State highway department setting forth that the plans, design, and construction for such projects are in accord with the standards and procedures of such State applicable to projects in this category approved by him: Provided further, That such approval shall not be given unless such standards and procedures are in accordance with the objectives set forth in section 1 (b) of the Federal-Aid Highway Act of 1950: And provided further, That nothing contained in the foregoing provisos shall be construed to relieve any State of its obligation now provided by law relative to maintenance, nor to relieve the Secretary of Commerce of his obligation with respect to the selection of the secondary system or the location of projects thereon, to make a final inspection after construction of each project, and to require an adequate showing of the estimated and actual cost of construction of each project.



*Sec. 118. Availability of Sums Apportioned*

(a) On and after the date that the Secretary has certified to each State highway department the sums apportioned to each Federal-aid system or part thereof pursuant to an authorization under this Act, or under prior Acts, such sums shall be available for expenditure under the provisions of this title.

(b) Such sums shall continue available for expenditure in that State for the appropriate Federal-aid system or part thereof for a period of two years after the close of the fiscal year for which such sums are authorized and any amounts so apportioned remaining unexpended at the end of such period shall lapse, except that any amount apportioned to the States for the Interstate System under subsection (b) (4) and (5) of section 104 of this title remaining unexpended at the end of the period during which it is available under this section shall lapse, and shall immediately be reapportioned among the other States in accordance with the provisions of subsection (b) (5) of section 104 of this title. Such sums for any fiscal year shall be deemed to be expended if a sum equal to the total of the sums apportioned to the State for such fiscal year and previous fiscal years is covered by formal project agreements providing for the expenditure of funds authorized by each Act which contains provisions authorizing the appropriation of funds for Federal-aid highways.

*1936 Act, sec. 1 (b), part*

When said apportionment has been made for any fiscal year, the State highway departments may submit projects to the Secretary of Agriculture for his approval.

*1944 Act, sec. 2, part*

As soon as the funds for each of the post-war fiscal years have been apportioned, the Commissioner of Public Roads is authorized to enter into agreements with the State highway departments for the making of surveys and plans, the acquisition of rights-of-way, and the post-war construction of projects.

*1954 Act, sec. 1, 4th paragraph, part, including 1st proviso*

Any sums apportioned to any State under the provision of this section shall be available for expenditure in that State for two years after the close of the fiscal year for which such sums are authorized, and any amounts so apportioned remaining unexpended at the end of such period shall lapse: *Provided*, That such funds for any fiscal year shall be deemed to have been expended if a sum equal to the total of the sums apportioned to the State for such fiscal year is covered by formal agreements with the Secretary of Commerce for the improvement of specific projects as provided by this Act.

*1954 Act, sec. 2 (b) (c)*

Any sums apportioned to any State under the provisions of this section shall be available for expenditure in that State for two years after the close of fiscal year for which such sums are authorized: *Provided*, That such funds shall be deemed to be expended upon execution of

Any Federal-aid highway funds released by the payment of the final voucher or by the modification of the formal project agreement shall be credited to the same class of funds, primary, secondary, urban, or Interstate, previously apportioned to the State and be immediately available for expenditure.

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formal agreements with the Secretary of Commerce for the improvement of specific projects under this section.

Any amount apportioned to the States under the provisions of this section unexpended at the end of the period during which it is available for expenditure under the terms of subsection (b) of this section shall lapse.

*1956 Act, sec. 102 (b) part, and 1958 Act, sec. 1 (b), part*

**AVAILABILITY FOR EXPENDITURE.**—Any sums apportioned to any State under this section shall be available for expenditure in that State for two years after the close of the fiscal year for which such sums are authorized, and any amounts so apportioned remaining unexpended at the end of such period shall lapse: *Provided*, That such funds shall be deemed to have been expended if a sum equal to the total of the sums herein and heretofore apportioned to the State is covered by formal agreements with the Secretary of Commerce for construction, reconstruction, or improvement of specific projects as provided in this title and prior Acts: \* \* \* Any Federal-aid primary, secondary, or urban funds released by the payment of the final voucher or by modification of the formal project agreement shall be credited to the same class of funds, primary, secondary, or urban, previously apportioned to the State and be immediately available for expenditure.

*1956 Act, Sec. 108 (f) (g)*

(f) **AVAILABILITY FOR EXPENDITURE.**—Any sums apportioned to any State under the provisions of this section

(c) The total payments to any State shall not at any time during a current fiscal year exceed the total of all apportionments to such State in accordance with section

104 of this title for such fiscal year and all preceding fiscal years.

shall be available for expenditure in that State for two years after the close of the fiscal year for which such sums are authorized: *Provided*, That such funds for any fiscal year shall be deemed to be expended if a sum equal to the total of the sums apportioned to the State specifically for the Interstate System for such fiscal year and previous fiscal years is covered by formal agreements with the Secretary of Commerce for the construction, reconstruction, or improvement of specific projects under this section.

(g) **LAPSE OF AMOUNTS APPORTIONED.**—Any amount apportioned to the States under the provisions of this section unexpended at the end of the period during which it is available for expenditure under the terms of subsection (f) of this section shall lapse, and shall immediately be reapportioned among the other States in accordance with the provisions of subsection (d) of this section: *Provided*, That any Interstate System funds released by the payment of the final voucher or by the modification of the formal project agreement shall be credited to the Interstate System funds previously apportioned to the State and be immediately available for expenditure.

*1936 Act, sec. 1(b), proviso, part*

\* \* \* but the total reimbursements to any State or Territory before the beginning of such fiscal year shall not exceed the total of all previous apportionments to such State or Territory.

*1956 Act, sec. 107(a) part*

The Territory of Alaska shall be entitled to share in funds herein or hereafter authorized for expenditure for projects on the Federal-aid primary and secondary high-

*Sec. 119. Administration of Federal-Aid for Highways in Alaska*

(a) The Secretary shall administer the functions, duties, and authority pertaining to the construction, repair



and maintenance of roads, tramways, ferries, bridges, trails, and other works in Alaska, conferred upon the Department of the Interior and, prior to September 16, 1956, administered by the Secretary of the Interior under the Act of June 30, 1932 (47 Stat. 446; 48 U. S. C., Sec. 321a and following).

way systems, and extensions thereof within urban areas, under the Federal-Aid Road Act approved July 11, 1916 (39 Stat. 355), and Acts amendatory thereof or supplementary thereto, upon the same terms and conditions as the several States and Hawaii and Puerto Rico.

*1956 Act, sec. 107 (b)*

TRANSFER OF FUNCTIONS.—Effective not more than ninety days after the approval of this Act, the functions, duties, and authority pertaining to the construction, repair, and maintenance of roads, tramways, ferries, bridges, trails, and other works in Alaska, conferred upon the Department of the Interior and heretofore administered by the Secretary of the Interior under the Act of June 30, 1932 (47 Stat. 446; 48 U. S. C., sec. 321a and following), are hereby transferred to the Department of Commerce and thereafter shall be administered by the Secretary of Commerce, or under his direction, by such officer, or officers, as may be designated by him.

*1956 Act, sec. 107 (e)*

DISTRIBUTION OF FUNCTIONS.—The Secretary of Commerce shall have power, by order or regulations, to distribute the functions, duties, and authority hereby transferred, and appropriations pertaining thereto, as he may deem proper to accomplish the economical and effective organization and administration thereof.

(b) The Secretary shall, by order or regulations, distribute the functions, duties, and authority required to be administered by him under subsection (a) of this section and appropriations pertaining thereto as he may deem proper to accomplish the economical and effective organization and administration thereof.

*Sec. 120. Federal Share Payable*

(a) Subject to the provisions of subsections (d) and (h) of this section, the Federal share payable on account of any project, financed with primary, secondary, or urban funds, on the Federal-aid primary system and the Federal-aid secondary system shall not exceed 50 per centum of the cost of construction, except that in the case of any State containing unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, exceeding 5 per centum of the total area of all lands therein, the Federal share shall be increased by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State is of its total area.

*1944 Act, sec. 5 (a), to 2d proviso*

The Federal share payable on account of any project provided for by the funds made available under the foregoing provisions of this Act shall not exceed 50 per centum of the construction cost thereof other than costs of rights-of-way, and as to costs of rights-of-way shall not exceed one-third of such costs: *Provided*, That in the case of any State containing unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, exceeding 5 per centum of the total area of all lands therein the Federal share shall be increased in each of the three post-war years by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State is of its total area.

*1950 Act, sec. 7*

That subsection (a) of section 5 of the Federal-Aid Highway Act of 1944, approved December 20, 1944 (58 Stat. 838), is hereby amended by increasing the Federal share payable on account of the costs of rights-of-way from "one-third" to not to exceed "one-half" of such costs.

*1954 Act, sec. 2 (a), last proviso*

That the Federal share payable on account of any project on the national system of interstate highways provided for by funds made available under the provisions of this section shall be increased to 60 per centum of the total cost thereof, plus a percentage of the remaining 40 per centum of such cost in any State containing unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, exceeding 5 per centum of

(b) Subject to the provisions of subsection (d) of this section, the Federal share payable on account of any project, financed with interstate funds on the Interstate System, authorized to be appropriated prior to June 29, 1956, shall not exceed 60 per centum of the cost of construction, except that in the case of any State containing unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, exceeding 5 per centum of the total area of all lands therein, the Federal share

shall be increased by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State, is of its total area. The provisions of subsection (a) of this section shall apply to any project financed with funds authorized by the provisions of section 2 of the Federal-Aid Highway Act of 1952.

(c) Subject to the provisions of subsection (d) of this section, the Federal share payable on account of any project on the Interstate System provided for by funds made available under the provisions of section 108 (b) of the Federal-Aid Highway Act of 1956 shall be increased to 90 per centum of the total cost thereof, plus a percentage of the remaining 10 per centum of such cost in any State containing unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, exceeding 5 per centum of the total area of all lands therein, equal to the percentage that the area of such lands in such State is of its total area, except that such Federal share payable on any project in any State shall not exceed 95 per centum of the total cost of such project.

(d) The Federal share payable on account of any project for the elimination of hazards of railway-highway crossings, as more fully described and subject to the conditions and limitations set forth in section 130 of this title, may amount to 100 per centum of the cost of construction of such projects, except that not more than 50 per centum of the right-of-way and property damage costs, paid from public funds, on any such project, may be paid from sums

the total area of all lands therein, equal to the percentage that the area of such lands in such State is of its total area.

*1956 Act, sec. 108 (e)*

**FEDERAL SHARE.**—The Federal share payable on account of any project on the Interstate System provided for by funds made available under the provisions of this section shall be increased to 90 per centum of the total cost thereof, plus a percentage of the remaining 10 per centum of such cost in any State containing unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, exceeding 5 per centum of the total area of all lands therein, equal to the percentage that the area of such lands in such State is of its total area: *Provided*, That such Federal share payable on any project in any State shall not exceed 95 per centum of the total cost of such project.

*1944 Act, sec. 5 (a), 2d proviso*

That the entire construction cost of projects for the elimination of hazards of railway-highway crossings, including the separation or protection of grades at crossings, the reconstruction of existing railroad grade crossing structures, and the relocation of highways to eliminate grade crossings, may be paid from Federal funds, except that not more than 50 per centum of the right-of-way and



apportioned in accordance with section 104 of this title: *Provided*, That not more than 10 per centum of all the sums apportioned for all the Federal-aid systems for any fiscal year in accordance with section 104 of this title shall be used under this subsection.

(e) The Secretary may rely on a statement from the Secretary of the Interior as to the area of the lands referred to in subsections (a) and (b) of this section. The Secretary of the Interior is hereby authorized and directed to provide such statement annually.

(f) The Federal share payable on account of any repair or reconstruction provided for by funds made available under section 125 of this title shall not exceed 50 per centum of the cost thereof.

(g) The Secretary is authorized to cooperate with the State highway departments and with the Department of the Interior in the construction of Federal-aid highways within Indian reservations, and national parks and monuments under the jurisdiction of the Department of the Interior and to pay the amount assumed therefor from the funds apportioned in accordance with section 104 of

property damage costs, paid from public funds, or any such project, may be paid from Federal funds.

*1944 Act, sec. 5 (a), last proviso*

*Provided further*, That not more than 10 per centum of the sums apportioned to any State under the terms of this Act for each of such post-war fiscal years shall be used for such railway-highway projects, to be expended in accordance with the Federal Highway Act, as amended and supplemented, and the provisions of this section.

*1956 Act, sec. 118, last proviso*

*Provided further*, That the Federal share payable on account of any repair or reconstruction project provided for by funds made available under this section shall not exceed 50 per centum of the cost thereof: \* \* \*

*1950 Act, sec. 8*

Section 3a of the Federal Highway Act of November 9, 1921, as amended by the Act of February 20, 1931 (46 Stat. 1173), is hereby amended to read as follows:

Sec. 3a. That the Secretary of Commerce is authorized to cooperate with the State highway departments and with the Department of the Interior in the construction of

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this title to the State wherein the reservations and national parks and monuments are located.

(h) The Territory of Alaska shall contribute funds each fiscal year in an amount that shall be not less than 10 per centum of the Federal funds apportioned to it for such fiscal year, such contribution to be deposited in a special account in the Federal Treasury for use in conjunction with the Federal funds apportioned to the Territory. The Federal funds apportioned to the Territory of Alaska and the funds contributed by the Territory may be expended by the Secretary either directly or in cooperation with the Alaska Highway and Public Works Board and may be so expended separately or in combination and without regard to the matching provisions of this chapter.

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public highways within Indian reservations and national parks and monuments under the jurisdiction of the Department of the Interior, and to pay the amount assumed therefor from the funds allotted or apportioned under this Act to the State wherein the reservations and national parks and monuments are located.

*1956 Act, sec. 107 (a), part*

*Provided*, That the Territory of Alaska shall contribute funds each fiscal year in an amount that shall be not less than 10 per centum of the Federal funds apportioned to it for such fiscal year, such contribution to be deposited in a special account in the Federal Treasury for use in conjunction with the Federal funds apportioned to the Territory. \* \* \* The Federal funds apportioned to the Territory of Alaska and the funds contributed by such Territory in accordance herewith may be expended by the Secretary of Commerce either directly or in cooperation with the Territorial Board of Road Commissioners of Alaska, and may be so expended separately or in combination and without regard to the matching provisions of the Federal Highway Act (42 Stat. 212).

*Note:* The 10 percent limitation in the last sentence of section 120 (d) conforms to existing law and relates only to projects for the elimination of hazards of railway-highway crossings where Federal participation may exceed the regular Federal pro rata share. Such limitation is not applicable to Federal-aid projects involving elimination of such hazards where Federal participation is on the regular Federal pro rata share basis.

The statement required from the Department of the Interior under the language of section 120 (e) is in keeping with established practice under existing law.

Section 120 (g) of the bill changes the words "aid highways" for purposes of clarification.

*Sec. 121. Payment to States for construction*

(a) The Secretary may, in his discretion, from time to time as the work progresses, make payments to a State for costs of construction incurred by it on a project. These payments shall at no time exceed the Federal share of the costs of construction incurred to the date of the voucher covering such payment plus the Federal share of the value of the materials which have been stockpiled in the vicinity of such construction in conformity to plans and specifications for the project.

(b) After completion of a project in accordance with the plans and specifications, and approval of the final voucher by the Secretary, a State shall be entitled to payment out of the appropriate sums apportioned to it of the unpaid balance of the Federal share payable on account of such project.

(c) No payment shall be made under this chapter, except for a project located on a Federal-aid system and covered by a project agreement. No final payment shall

"public highways" in the existing law to "Federal-

*1921 Act, sec. 13, 2d paragraph*

That the Secretary of Agriculture may, in his discretion, from time to time, make payments on such construction or reconstruction as the work progresses, but these payments, including previous payments, if any, shall not be more than the United States pro rata part of the value of the labor and materials which have been actually put into such construction or reconstruction in conformity to said plans and specifications. The Secretary of Agriculture and the State highway department of each State may jointly determine at what time and in what amounts payments as work progresses shall be made under this act.

*1958 Act, sec. 10*

\* \* \* plus the United States pro rata part of the value of the materials which have been stockpiled in the vicinity of such construction or reconstruction in conformity to said plans and specifications.

*1921 Act, sec. 13, 1st paragraph*

That when the Secretary of Agriculture shall find that any project approved by him has been constructed or reconstructed in compliance with said plans and specifications, he shall cause to be paid to the proper authorities of said State the amount set aside for said project.

*1921 Act, sec. 6, 3d paragraph*

Upon this system all Federal-aid apportionments shall be expended.



be made to a State for its costs of construction of a project until the completion of the construction has been approved by the Secretary following inspections pursuant to section 114 (a) of this title.

(d) In making payments pursuant to this section, the Secretary shall be bound by the limitations with respect to the permissible amounts of such payments contained in sections 120 and 130 of this title. Payments for construction engineering on any one project shall not exceed 10 per centum of the Federal share of the cost of construction of such project after excluding from the cost of construction the costs of rights-of-way, preliminary engineering, and construction engineering.

(e) Such payments shall be made to such official or officials or depository as may be designated by the State highway department and authorized under the laws of the State to receive public funds of the State.

*1916 Act, sec. 6, 1st paragraph, last sentence*

No payment of any money apportioned under this act shall be made on any project until such statement of the project, and the plans, specifications, and estimates therefor, shall have been submitted to and approved by the Secretary of Agriculture.

*1921 Act, sec. 11, 1st paragraph, part*

\* \* \* items included for engineering, inspection, and unforeseen contingencies shall not exceed 10 per centum of the total estimated costs of its construction.

*1921 Act, sec. 13, last paragraph*

Such payments shall be made by the Secretary of the Treasury, on warrants drawn by the Secretary of Agriculture, to such official or officials or depository as may be designated by the State highway department and authorized under the laws of the State to receive public funds of the State.

*Note:* Section 121 (d), last sentence, has been included for the reasons indicated by the comments with respect to section 106 (c) and to make the provisions of this section relative to payments for construction engineering consistent with those of section 106 (c) relating to cost estimates.

*1950 Act, sec. 5**Sec. 122. Payment to States for Bond Retirement*

Any State that shall use the proceeds of bonds issued by the State, county, city, or other political subdivision of the State for the construction of one or more projects on the Federal-aid primary or Interstate System, or extensions of any of the Federal-aid highway systems in urban areas, may claim payment of any portion of the sums apportioned to it for expenditure on such system to aid in the retirement of the principal of such bonds at their maturities, to the extent that the proceeds of such bonds have been actually expended in the construction of one or more of such projects. Such claim for payment may be made only when all of the provisions of this title have been complied with to the same extent and with the same effect as though payment were to be made to the State under section 121 of this title, instead of this section, and the Federal share payable shall not exceed the pro rata basis of payment authorized in section 120 of this title. This section shall not be construed as a commitment or obligation on the part of the United States to provide funds for the payment of the principal of any such bonds.

Any State, county, city, or other political subdivision that shall issue bonds and use the proceeds of such bonds for the construction of toll-free facilities in order to accelerate the improvement of the National System of Interstate Highways, the Federal-aid primary highway system or the Federal-aid highway system in urban areas, may apply any portion of the funds herein, or hereafter, authorized for expenditure on said systems of highways and apportioned to such State under the provisions of section 1 to aid in retirement of annual maturities of the principal indebtedness of such bonds to the extent that the proceeds of such bonds are actually expended in the construction of said systems of highways: *Provided*, That payment of Federal funds on the principal indebtedness of such bonds shall be made only on account of any such facility that is constructed in accordance with plans and specifications approved in advance of construction by the Commissioner of Public Roads: *Provided further*, That payment of Federal funds pursuant to this section shall not exceed the pro rata basis authorized by section 1: *And provided further*, That payments to any State pursuant to this section shall be made exclusively from apportionments to such State from funds authorized by the Congress to be apportioned for expenditure on said systems of highways and this section shall not be construed as a commitment or obligation on the part of the United States to provide such funds.

*Sec. 123. Relocation of Utility Facilities*

(a) When a State shall pay for the cost of relocation of utility facilities necessitated by the construction of a project on the Federal-aid primary or secondary systems or on the Interstate System, including extensions thereof within urban areas, Federal funds may be used to reimburse the State for such cost in the same proportion as Federal funds are expended on the project. Federal funds shall not be used to reimburse the State under this section when the payment to the utility violates the law of the State or violates a legal contract between the utility and the State. Such reimbursement shall be made only after evidence satisfactory to the Secretary shall have been presented to him substantiating the fact that the State has paid such cost from its own funds with respect to Federal-aid highway projects for which Federal funds are obligated subsequent to April 16, 1958, for work, including relocation of utility facilities.

(b) The term "utility", for the purposes of this section, shall include publicly, privately, and cooperatively owned utilities.

*1956 Act, sec. 111*

(a) AVAILABILITY OF FEDERAL FUNDS FOR REIMBURSEMENT TO STATES.—Subject to the conditions contained in this section, whenever a State shall pay for the cost of relocation of utility facilities necessitated by the construction of a project on the Federal-aid primary or secondary systems or on the Interstate System, including extensions thereof within urban areas, Federal funds may be used to reimburse the State for such cost in the same proportion as Federal funds are expended on the project: *Provided*, That Federal funds shall not be apportioned to the States under this section when the payment to the utility violates the law of the State or violates a legal contract between the utility and the State.

*1958 Act, sec. 11 (a)*

*Provided further*, That such reimbursement shall be made only after evidence satisfactory to the Secretary shall have been presented to him substantiating the fact that the State has paid such cost from its own funds with respect to Federal-aid highway projects for which Federal funds are obligated subsequent to the date of enactment of the Federal-Aid Highway Act of 1958 for work, including relocation of utility facilities.

*1956 Act, sec. 111*

(b) UTILITY DEFINED.—For the purposes of this section, the term "utility" shall include publicly, privately, and cooperatively owned utilities.



*1956 Act, sec. 111*

(c) COST OF RELOCATION DEFINED.—For the purposes of this section, the term "cost of relocation" shall include the entire amount paid by such utility properly attributable to such relocation after deducting therefrom any increase in the value of the new facility and any salvage value derived from the old facility.

*1956 Act, sec. 110*

(b) ADVANCES TO STATES.—Section 6 of the Federal-Aid Highway Act of 1944 is hereby amended to read as follows:

"Sec. 6. If the Secretary of Commerce shall determine that it is necessary for the expeditious completion of projects on any of the Federal-aid highway systems, including the Interstate System, he may advance to any State out of any existing appropriations the Federal share of the cost of construction thereof to enable the State highway department to make prompt payments for acquisition of rights-of-way, and for construction as it progresses. The sums so advanced shall be deposited in a special revolving trust fund, by the State official authorized under the laws of the State to receive Federal-aid highway funds, to be disbursed solely upon vouchers approved by the State highway department for rights-of-way which have been or are being acquired, and for construction which has been actually performed and approved by the Secretary of Commerce. Upon determination by the Secretary of Commerce that any part of the funds advanced to any State under the provisions of this section are no longer required, the amount of the advance which is determined

(c) The term "cost of relocation", for the purposes of this section, shall include the entire amount paid by such utility properly attributable to such relocation after deducting therefrom any increase in the value of the new facility and any salvage value derived from the old facility.

*Sec. 124. Advances to States*

If the Secretary shall determine that it is necessary for the expeditious completion of projects on any of the Federal-aid systems, including the Interstate System, he may advance to any State out of any existing appropriations the Federal share of the cost of construction thereof to enable the State highway department to make prompt payments for acquisition of rights-of-way, and for the construction as it progresses. The sums so advanced shall be deposited in a special revolving trust fund, by the State official authorized under the laws of the State to receive Federal-aid highway funds, to be disbursed solely upon vouchers approved by the State highway department for rights-of-way which have been or are being acquired, and for construction which has been actually performed and approved by the Secretary pursuant to this chapter. Upon determination by the Secretary that any part of the funds advanced to any State under the provisions of this section are no longer required, the amount of the advance, which is determined to be in excess of current requirements of the State, shall be repaid upon his demand, and such repayments shall be returned to the credit of the appropriation from which the funds were advanced. Any

sum advanced and not repaid on demand shall be deducted from sums due the State for the Federal pro rata share of the cost of construction of Federal-aid projects.

*Sec. 125. Emergency Relief*

An emergency fund is authorized for expenditure by the Secretary in accordance with the provisions of this section. The Secretary may expend funds therefrom, after receipt of an application therefor from a State highway department, for the repair or reconstruction of highways and bridges on the Federal-aid highway systems, including the Interstate System, in accordance with the provisions of this chapter which he shall find have suffered serious damage as the result of disaster over a wide area, such as floods, hurricanes, tidal waves, earthquakes, severe storms, landslides, or other catastrophes in any part of the United States. The appropriation of such moneys, not to exceed \$30,000,000, as may be necessary for the initial establishment of this fund and for its replenishment on an annual basis is hereby authorized. Pending such appropriation or replenishment, the Secretary may expend from existing Federal-aid highway appropriations, such sums as may be necessary for the immediate prosecution of the work herein authorized, such existing appropriations to be reimbursed from the appropriation hereinabove authorized when made. No funds shall be expended under

to be in excess of current requirements of the State shall be repaid upon his demand, and such repayments shall be returned to the credit of the appropriation from which the funds were advanced. Any sums advanced and not repaid on demand shall be deducted from sums due the State for the Federal pro rata share of the cost of construction of Federal-aid projects."

*1956 Act, sec. 118*

Section 7 of the Federal-Aid Highway Act of 1952 (66 Stat. 158) is hereby amended to read as follows:

"Sec. 7. There is hereby authorized an emergency fund in the amount of \$30,000,000 for expenditure by the Secretary of Commerce, in accordance with the provisions of the Federal-Aid Road Act approved July 11, 1916, as amended and supplemented, after receipt of an application therefor from the highway department of any State, in the repair or reconstruction of highways and bridges on the Federal-aid highway systems, including the Interstate System, which he shall find have suffered serious damage as the result of disaster over a wide area, such as by floods, hurricanes, tidal waves, earthquakes, severe storms, landslides, or other catastrophes in any part of the United States. The appropriation of such moneys as may be necessary for the establishment of the fund in accordance with the provisions of this section and for its replenishment on an annual basis is hereby authorized: *Provided*, That pending the appropriation of such sum, or its replenishment, the Secretary of Commerce may expend, from existing Federal-aid highway appropriations, such sums as may be

necessary for the immediate prosecution of the work herein authorized, such appropriations to be reimbursed from the appropriation herein authorized when made: *Provided further*, That no expenditures shall be made hereunder with respect to any such catastrophe in any State unless an emergency has been declared by the Governor of such State and concurred in by the Secretary of Commerce: \* \* \*

*1934 Act, sec. 12, to provide*

Since it is unfair and unjust to tax motor-vehicle transportation unless the proceeds of such taxation are applied to the construction, improvement, or maintenance of highways, after June 30, 1935, Federal aid for highway construction shall be extended only to those States that use at least the amounts now provided by law for such purposes in each State from State motor vehicle registration fees, licenses, gasoline taxes, and other special taxes on motor-vehicle owners and operators of all kinds for the construction, improvement, and maintenance of highways and administrative expenses in connection therewith, including the retirement of bonds for the payment of which such revenues have been pledged, and for no other purposes, under such regulations as the Secretary of Agriculture shall promulgate from time to time.

*1934 Act, sec. 12, provide*

That in no case shall the provisions of this section operate to deprive any State of more than one-third of the amount to which that State would be entitled under any apportionment hereafter made, for the fiscal year for which the apportionment is made.

the provisions of this section with respect to any such catastrophe in any State unless an emergency has been declared by the Governor of such State and concurred in by the Secretary.

*Sec. 126. Diversion*

(a) Since it is unfair and unjust to tax motor-vehicle transportation unless the proceeds of such taxation are applied to the construction, improvement, or maintenance of highways, after June 30, 1935, Federal aid for highway construction shall be extended only to those States that use at least the amounts provided by law on June 18, 1934 for such purposes in each State from State motor vehicle registration fees, licenses, gasoline taxes, and other special taxes on motor-vehicle owners and operators of all kinds for the construction, improvement, and maintenance of highways and administrative expenses in connection therewith, including the retirement of bonds for the payment of which such revenues have been pledged, and for no other purposes, under such regulations as the Secretary of Commerce shall promulgate from time to time.

(b) In no case shall the provisions of this section operate to deprive any State of more than one-third of the entire apportionment authorized under this chapter to which that State would be entitled in any fiscal year. The amount of any reduction in a State's apportionment shall be reapportioned in the same manner as any other unex-



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pended balance at the end of the period during which it otherwise would be available in accordance with section 104 (b) of this title.

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*1940 Act, sec. 16*

Any sums heretofore or hereafter withheld from the Federal-aid road funds apportioned to any State as a penalty for diversion of road-user taxes under the provisions of section 12 of the Act approved June 18, 1934 (48 Stat. 995), shall be reapportioned in the same manner as any other unexpended balance at the end of the period during which it otherwise would be available for expenditure, in accordance with the provisions of section 21 of the Federal Highway Act (42 Stat. 217).

*1956 Act, sec. 108 (j)*

**MAXIMUM WEIGHT AND WIDTH LIMITATIONS.**—No funds authorized to be appropriated for any fiscal year by this section shall be apportioned to any State within the boundaries of which the Interstate System may lawfully be used by vehicles with weight in excess of eighteen thousand pounds carried on any one axle, or with a tandem-axle weight in excess of thirty-two thousand pounds, or with an overall gross weight in excess of 73,280 pounds, or with a width in excess of 96 inches, or the corresponding maximum weights or maximum widths permitted for vehicles using the public highways of such State under laws or regulations established by appropriate State authority in effect on July 1, 1956, whichever is the greater. Any amount which is withheld from apportionment to any State pursuant to the foregoing provisions shall lapse: *Provided, however,* That nothing herein shall be construed

*Sec. 127. Vehicle Weight and Width Limitations—Interstate System*

No funds authorized to be appropriated for any fiscal year under section 108 (b) of the Federal-Aid Highway Act of 1956 shall be apportioned to any State within the boundaries of which the Interstate System may lawfully be used by vehicles with weight in excess of eighteen thousand pounds carried on any one axle, or with a tandem-axle weight in excess of thirty-two thousand pounds, or with an overall gross weight in excess of 73,280 pounds, or with a width in excess of 96 inches, or the corresponding maximum weights or maximum widths permitted for vehicles using the public highways of such State under laws or regulations established by appropriate State authority in effect on July 1, 1956, whichever is the greater. Any amount which is withheld from apportionment to any State pursuant to the foregoing provisions shall lapse.

This section shall not be construed to deny apportionment to any State allowing the operation within such State of any vehicles or combinations thereof that could be lawfully operated within such State on July 1, 1956.

*Sec. 128. Public hearings*

(a) Any State highway department which submits plans for a Federal-aid highway project involving the by-passing of, or going through, any city, town, or village, either incorporated or unincorporated, shall certify to the Secretary that it has had public hearings, or has afforded the opportunity for such hearings, and has considered the economic effects of such a location. Any State highway department which submits plans for an Interstate System project shall certify to the Secretary that it has had public hearings at a convenient location, or has afforded the opportunity for such hearings, for the purpose of enabling persons in rural areas through or contiguous to whose property the highway will pass to express any objections they may have to the proposed location of such highway.

(b) When hearings have been held under subsection (a), the State highway department shall submit a copy of the transcript of said hearings to the Secretary, together with the certification.

*Sec. 129. Toll Roads, Bridges and Tunnels*

(a) Notwithstanding the provisions of section 301 of this title, the Secretary may permit Federal participation, on the same basis and in the same manner as in the con-

to deny apportionment to any State allowing the operation within such State of any vehicles or combinations thereof that could be lawfully operated within such State on July 1, 1956.

*1956 Act, sec. 116 (c)*

(c) PUBLIC HEARINGS.—Any State highway department which submits plans for a Federal-aid highway project involving the by-passing of, or going through, any city, town, or village, either incorporated or unincorporated, shall certify to the Commissioner of Public Roads that it has had public hearings, or has afforded the opportunity for such hearings, and has considered the economic effects of such a location: *Provided*, That, if such hearings have been held, a copy of the transcript of said hearings shall be submitted to the Commissioner of Public Roads, together with the certification.

*1958 Act, sec. 13*

\* \* \* and any State highway department which submits plans for an Interstate System project shall certify to the Secretary of Commerce that it has had public hearing at a convenient location, or has afforded the opportunity for such hearings, for the purpose of enabling persons in rural areas through or contiguous to whose property the highway will pass to express any objections they may have to the proposed location of such highway.

*Act of March 3, 1927 (44 Stat. 1398)*

That notwithstanding any provision of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for

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struction of free highways under this chapter, in the construction of any toll bridge, toll tunnel, or approach thereto, upon compliance with the conditions contained in this section. Such bridge, tunnel, or approach thereto, must be publicly owned and operated. Federal funds may participate in the approaches to a toll bridge or toll tunnel whether such bridge or tunnel is to be or has been constructed, or acquired, by the State or other public authority. The State highway department or departments must be a party or parties to an agreement with the Secretary whereby it or they undertake performance of the following obligations:

(1) All tolls received from the operation of the bridge or tunnel, less the actual cost of such operation and maintenance, shall be applied to the repayment to the State or other public authority of all of the costs of construction or acquisition of such bridge or tunnel, except that part which was contributed by the United States;

(2) No tolls shall be charged for the use of such bridge or tunnel after the State or other public authority shall have been so repaid; and

(3) After the date of final repayment, the bridge or tunnel shall be maintained and operated as a free bridge or free tunnel.

other purposes," approved July 11, 1916, or of the Federal Highway Act, the Secretary of Agriculture may extend, on the same basis and in the same manner as in the construction of any free bridge, Federal aid under such acts, in the construction of any toll bridge and approaches thereto, by any State or States, or political subdivision or subdivisions thereof, upon the condition that such bridge is owned and operated by such State or States, or political subdivision or subdivisions thereof, and that all tolls received from the operation thereof, less the actual cost of operation and maintenance, are applied to the repayment to the State or States, or political subdivision or subdivisions thereof, of its or their part of the cost of construction of such bridge, and upon the further condition that when the amount contributed by such State or States, or political subdivision or subdivisions thereof, in the construction of such bridge shall have been repaid from the tolls, the collection of tolls for the use of such bridge shall thereafter cease, and the same shall be maintained and operated as a free bridge.

*Act of June 16, 1933, sec. 204 (g) (48 Stat. 200)*

Hereafter in the administration of the Federal Highway Act, and acts amendatory thereof or supplementary thereto, the first paragraph of section 9 of said act shall not apply to publicly owned toll bridges or approaches thereto, operated by the highway department of any State, subject, however, to the condition that all tolls received from the operation of any such bridge, less the actual cost of operation and maintenance, shall be applied to the re-



payment of the cost of its construction or acquisition, and when the cost of its construction or acquisition shall have been repaid in full, such bridge thereafter shall be maintained and operated as a free bridge.

*1956 Act, sec. 113*

(a) **APPROVAL AS PART OF INTERSTATE SYSTEM.**—Upon a finding by Secretary of Commerce that such action will promote the development of an integrated Interstate System, the Secretary is authorized to approve as part of the Interstate System any toll road, bridge, or tunnel, now or hereafter constructed which meets the standards adopted for the improvement of projects located on the Interstate System, whenever such toll road, bridge, or tunnel is located on a route heretofore or hereafter designated as a part of the Interstate System: *Provided*, That no Federal-aid highway funds shall be expended for the construction, reconstruction, or improvement of any such toll road except to the extent hereafter permitted by law: *Provided further*, That no Federal-aid highway funds shall be expended for the construction, reconstruction, or improvement of any such toll bridge or tunnel except to the extent now or hereafter permitted by law.

(b) **APPROACHES HAVING OTHER USE.**—The funds authorized under this title, or under prior Acts, shall be available for expenditure on projects approaching any toll road, bridge, or tunnel to a point where such project will have some use irrespective of its use for such toll road, bridge, or tunnel.

(c) **APPROACHES HAVING NO OTHER USE.**—The funds authorized under section 108 (b) of this title, or under

(b) Upon a finding by the Secretary that such action will promote the development of an integrated Interstate System, the Secretary is authorized to approve as part of the Interstate System any toll road, bridge or tunnel, now or hereafter constructed which meets the standards adopted for the improvement of projects located on the Interstate System, when such toll road, bridge or tunnel is located on a route heretofore or hereafter designated as a part of the Interstate System. No Federal-aid highway funds shall be expended for the construction, reconstruction or improvement of any such toll road, except to the extent permitted by law after June 29, 1956. No Federal-aid highway funds shall be expended for the construction, reconstruction or improvement of any such toll bridge or tunnel, except to the extent permitted by law on or after June 29, 1956.

(c) Funds authorized under prior Acts for expenditure on any of the Federal-aid highway systems, including the Interstate System, shall be available for expenditure on projects approaching any toll road, bridge or tunnel to a point where such project will have some use irrespective of its use for such toll road, bridge or tunnel.

(d) Funds authorized for the Interstate System shall be available for expenditure on Interstate System projects

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approaching any toll road on the Interstate System, although the project has no use other than an approach to such toll road, if an agreement satisfactory to the Secretary has been reached with the State prior to the approval of such project—

(1) that the section of toll road will become free to the public upon the collection of tolls sufficient to liquidate the cost of the toll road or any bonds outstanding at the time constituting a valid lien against such section of toll road covered in the agreement and their maintenance and operation and debt service during the period of toll collections, and

(2) that there is one or more reasonably satisfactory alternate free routes available to traffic by which the toll section of the system may be bypassed.

prior Acts, shall be available for expenditure on Interstate System projects approaching any toll road on the Interstate System, even though the project has no use other than as an approach to such toll road: *Provided*, That agreement satisfactory to the Secretary of Commerce has been reached with the State prior to approval of any such project (1) that the section of toll road will become free to the public upon the collection of tolls sufficient to liquidate the cost of the toll road or any bonds outstanding at the time constituting a valid lien against said section of toll road covered in the agreement and their maintenance and operation and debt service during the period of toll collections, and (2) that there is one or more reasonably satisfactory alternate free routes available to traffic by which the toll section of the System may be bypassed.

(d) EFFECT ON CERTAIN PRIOR ACTS.—Nothing in this title shall be deemed to repeal the Act approved March 3, 1927 (44 Stat. 1398), or subsection (g) of section 204 of the National Industrial Recovery Act (48 Stat. 200), and such Acts are hereby amended to include tunnels as well as bridges.

*Note:* Section 129 (a) of the proposed bill is a consolidation of the provisions of the act of March 3, 1927 (44 Stat. 1398), and section 204 (g) of the National Recovery Act (48 Stat. 200). The last sentence of the first paragraph in section 129 (a) requiring that the State highway department be a party to the agreement is in line with established Bureau procedure under existing law.

### *Sec. 130. Railway-Highway Crossings*

(a) Except as provided in subsection (d) of section 120 of this title and subsection (b) of this section, the entire cost of construction of projects for the elimination of hazards of railway-highway crossings, including the separation or protection of grades at crossings, the reconstruction of existing railroad grade crossings structures, and relocation of highways to eliminate grade crossings, may be paid from sums apportioned in accordance with section 104 of this title. In any case when the elimination of the hazards of a railway-highway crossing can be effected by the relocation of a portion of a railway at a cost estimated by the Secretary to be less than the cost of such elimination by one of the methods mentioned in the first sentence of this section, then the entire cost of such relocation project, except as provided in subsection (d) of section 120 of this title and subsection (b) of this section, may be paid from sums apportioned in accordance with section 104 of this title.

(b) The Secretary may classify the various types of projects involved in the elimination of hazards of railway-highway crossings, and may set for each such classification a percentage of the costs of construction which shall be deemed to represent the net benefit to the railroad or roads for the purpose of determining the railroad's share of the cost of construction. The percentage so determined shall in no case exceed 10 percent. The Secretary shall determine the appropriate classification of each project.

### *1944 Act, sec. 5 (a), 2d proviso*

*Provided further,* That the entire construction cost of projects for the elimination of hazards of railway-highway crossings, including the separation or protection of grades at crossings, the reconstruction of existing railroad grade crossing structures, and the relocation of highways to eliminate grade crossings, may be paid from Federal funds, except that not more than 50 per centum of the right-of-way and property damage costs, paid from public funds, on any such project, may be paid from Federal funds.

### *1944 Act, sec. 5 (b), part*

Any railway involved in any project for the elimination of hazards of railway-highway crossings paid for in whole or in part from funds made available under this Act, shall be liable to the United States for a sum bearing the same ratio to the net benefit received by such railway from such project that the Federal funds expended on such project bear to the total cost of such project. For the purposes of this subsection, the net benefit received by a railway from any such project shall be deemed to be the amount by which the reasonable value of the total benefits received by it from such project exceeds the amount paid by it (includ-



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ing the reasonable value of any property rights contributed by it) toward the cost of such project; and in no case shall the total benefits to any railway or railways be deemed to have a reasonable value in excess of 10 per centum of the cost of any such project.

*1944 Act, sec. 5 (b), part*

The liability of any railway to the United States with respect to any such project may be discharged by paying to the United States, within six months after the completion of such project, such amount as the Commissioner of Public Roads determines to be the amount of such liability. Any such determination of the Commissioner shall be made on the basis of recommendations made to him by the State highway department and on the basis of such other information and investigation, if any, as the Commissioner deems necessary or proper. If any such railway has failed so to discharge its liability to the United States with respect to any project within six months after the completion thereof, the Commissioner of Public Roads shall request the Attorney General to institute proceedings against such railroad for the recovery of the amount for which it is liable under this subsection. The Attorney General is authorized to bring such proceedings on behalf of the United States in the appropriate district court of the United States, and the United States shall be entitled in such proceedings to recover such sums as it is considered and adjudged by the court that such railway is liable for in the premises. Any amounts paid to or recovered by the United States under this subsection

(c) Any railroad involved in a project for the elimination of hazards of railway-highway crossings paid for in whole or in part from sums made available for expenditure under this title, or prior Acts, shall be liable to the United States for the net benefit to the railroad determined under the classification of such project made pursuant to subsection (b) of this section. Such liability to the United States may be discharged by direct payment to the State highway department of the State in which the project is located, in which case such payment shall be credited to the cost of the project. Such payment may consist in whole or in part of materials and labor furnished by the railroad in connection with the construction of such project. If any such railroad fails to discharge such liability within a six-month period after completion of the project it shall be liable to the United States for its share of the cost, and the Secretary shall request the Attorney General to institute proceedings against such railroad for the recovery of the amount for which it is liable under this subsection. The Attorney General is authorized to bring such proceedings on behalf of the United States, in the appropriate district court of the United States, and the United States shall be entitled in such proceedings to recover such sums as it is considered

and adjudged by the court that such railroad is liable for in the premises. Any amounts recovered by the United States under this subsection shall be credited to miscellaneous receipts.

*Note:* This section contains certain language modifications in order to bring it in line with current procedures under existing law. The last sentence of section 130 (a) permits Federal funds to participate in railway relocations where such relocations may be carried out more economically than could the elimination of the hazard by some other method. Subsection (b) describes present Bureau procedures, which are believed to be a practical method of administration. Under these procedures, the various types of projects for the elimination of railway-highway crossings are classified and the percentage of net benefit to the railroad is determined by the class into which the project falls. Section 130 (c) contains a provision which permits a discharge of the railroad's liability by direct payment to the State highway department. The wording of section 130 conforms to procedures which have been followed for many years and effects no change in existing law. The word "or railways" appearing in section 5 (b) are believed unnecessary in view of a rule of construction contained in Chapter 1, United States Code, section 1.

### *Sec. 131. Areas Adjacent to the Interstate System*

(a) To promote the safety, convenience, and enjoyment of public travel and the free flow of interstate commerce and to protect the public investment in the National System of Interstate and Defense Highways, it is declared to be in the public interest to encourage and assist the States to control the use of and to improve areas adjacent to the Interstate System by controlling the erection and maintenance of outdoor advertising signs, displays, and devices adjacent to that system. It is declared to be a national policy that the erection and maintenance of outdoor advertising signs, displays, or devices within 660 feet of the edge of the right-of-way and visible from the main-traveled way of all portions of the Interstate System constructed upon any part of right-of-way, the entire width of which is acquired subsequent to July 1, 1956,

shall be covered into the Treasury as miscellaneous receipt.

Areas adjacent to the Interstate System.

### *1958 Act, sec. 12*

(a) NATIONAL POLICY.—To promote the safety, convenience, and enjoyment of public travel and the free flow of interstate commerce and to protect the public investment in the National System of Interstate and Defense Highways, it is hereby declared to be in the public interest to encourage and assist the States to control the use of and to improve areas adjacent to the Interstate System by controlling the erection and maintenance of outdoor advertising signs, displays, and devices adjacent to that system. It is hereby declared to be a national policy that the erection and maintenance of outdoor advertising signs, displays, or devices within 660 feet of the edge of the right-of-way and visible from the main-traveled way of all portions of the Interstate System constructed upon any part

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should be regulated, consistent with national standards to be prepared and promulgated by the Secretary, which shall include only the following four types of signs, and no signs advertising illegal activities:

(1) Directional or other official signs or notices that are required or authorized by law.

(2) Signs advertising the sale or lease of the property upon which they are located.

(3) Signs erected or maintained pursuant to authorization or permitted under State law, and not inconsistent with the national policy and standards of this section, advertising activities being conducted at a location within twelve miles of the point at which such signs are located.

(4) Signs erected or maintained pursuant to authorization in State law and not inconsistent with the national policy and standards of this section, and designed to give information in the specific interest of the traveling public.

(b) The Secretary of Commerce is authorized to enter into agreements with State highway departments (including such supplementary agreements as may be necessary) to carry out the national policy set forth in subsection (a) of this section with respect to the Interstate System within the State. Any such agreement shall include provisions for regulation and control of the erection and maintenance of advertising signs, displays, and other advertising devices in conformity with the standards established in accordance with subsection (a) of this section and may include, among other things, provisions

of right-of-way, the entire width of which is acquired subsequent to July 1, 1956, should be regulated, consistent with national standards to be prepared and promulgated by the Secretary, which shall include only the following four types of signs, and no signs advertising illegal activities:

(1) Directional or other official signs or notices that are required or authorized by law.

(2) Signs advertising the sale or lease of the property upon which they are located.

(3) Signs erected or maintained pursuant to authorization or permitted under State law, and not inconsistent with the national policy and standards of this section, advertising activities being conducted at a location within 12 miles of the point at which such signs are located.

(4) Signs erected or maintained pursuant to authorization in State law and not inconsistent with the national policy and standards of this section, and designed to give information in the specific interest of the traveling public.

(b) AGREEMENTS.—The Secretary of Commerce is authorized to enter into agreements with State highway departments (including such supplementary agreements as may be necessary) to carry out the national policy set forth in subsection (a) of this section with respect to the Interstate System within the State. Any such agreement shall include provisions for regulation and control of the erection and maintenance of advertising signs, displays, and other advertising devices in conformity with the standards established in accordance with subsection (a) and may include, among other things, provisions for pres-



for preservation of natural beauty, prevention of erosion, landscaping, reforestation, development of viewpoints for scenic attractions that are accessible to the public without charge, and the erection of markers, signs, or plaques, and development of areas in appreciation of sites of historical significance. Upon application of the State, any such agreement may, within the discretion of the Secretary of Commerce, consistent with the national policy, provide for excluding from application of the Interstate System which traverse incorporated municipalities wherein the use of real property adjacent to the Interstate System is subject to municipal regulation or control, or which traverse other areas where the land use is clearly established by State law as industrial or commercial, and any such segment excluded from the application of such standards shall not be considered in computing the increase of the Federal share payable on account thereof.

(c) Notwithstanding the provisions of section 109 of this title, if an agreement pursuant to this section has been entered into with any State prior to July 1, 1961, the Federal share payable on account of any project on the Interstate System within that State provided for by funds authorized under the provisions of section 108 (b) of the Federal-Aid Highway Act of 1956, as amended by section 8 of the Federal-Aid Highway Act of 1958, to which the national policy and the agreement apply, shall be increased by one-half of one per centum of the total cost thereof, not including any additional cost that may be incurred in the carrying out of the agreement. The increase in the Federal share which is payable here-

ervation of natural beauty, prevention of erosion, landscaping, reforestation, development of viewpoints for scenic attractions that are accessible to the public without charge, and the erection of markers, signs, or plaques, and development of areas in appreciation of sites of historical significance. Upon application of the State, any such agreement may, within the discretion of the Secretary of Commerce, consistent with the national policy, provide for excluding from application of the national standards segments of the Interstate System which traverse incorporated municipalities wherein the use of real property adjacent to the Interstate System is subject to municipal regulation or control, or which traverse other areas where the land use is clearly established by State law as industrial or commercial: *Provided, however*, That any such segment excluded from the application of such standards shall not be considered in computing the increase of the Federal share payable on account thereof.

(c) ~~FEDERAL SHARE.~~—Notwithstanding the provisions of section 2 of the Federal-Aid Highway Act of 1944 (58 Stat. 838), if an agreement pursuant to this section has been entered into with any State prior to July 1, 1961, the Federal share payable on account of any project on the Interstate System within that State provided for by funds authorized under the provisions of section 108 of this Act, to which the national policy and the agreement apply, shall be increased by one-half of one per centum of the total cost thereof, not including any additional cost that may be incurred in the carrying out of the agreement: *Provided*, That the increase in the Federal share which is payable hereunder shall be paid only from

under shall be paid only from appropriations from moneys in the Treasury not otherwise appropriated, which such appropriations are hereby authorized.

(d) Whenever any portion of the Interstate System is located upon or adjacent to any public lands or reservations of the United States, the Secretary of Commerce may make such arrangements and enter into such agreements with the agency having jurisdiction over such lands or reservations as may be necessary to carry out the national policy set forth in subsection (a) of this section, and any such agency is authorized and directed to cooperate fully with the Secretary of Commerce in this connection.

(e) Whenever a State shall acquire by purchase or condemnation the right to advertise or regulate advertising in an area adjacent to the right-of-way of a project on the Interstate System for the purpose of implementing this section, the cost of such acquisition shall be considered as a part of the cost of construction of such project and Federal funds may be used to pay the Federal pro rata share of such cost. Reimbursement to the State shall be made only with respect to that portion of such cost which does not exceed 5 per centum of the cost of the right-of-way for such project.

appropriations from moneys in the Treasury not otherwise appropriated, which such appropriations are hereby authorized.

(d) Whenever any portion of the Interstate System is located upon or adjacent to any public lands or reservations of the United States, the Secretary of Commerce may make such arrangements and enter into such agreements with the agency having jurisdiction over such lands or reservations as may be necessary to carry out the national policy set forth in subsection (a) of this section, and any such agency is hereby authorized and directed to cooperate fully with the Secretary of Commerce in this connection.

(e) Whenever a State shall acquire by purchase or condemnation the right to advertise or regulate advertising in an area adjacent to the right-of-way of a project on the Interstate System for the purpose of implementing this section, the cost of such acquisition shall be considered as a part of the cost of construction of such project and Federal funds may be used to pay the Federal pro rata share of such cost: *Provided, That* reimbursement to the State shall be made only with respect to that portion of such cost which does not exceed 5 per centum of the cost of the right-of-way for such project.

## CHAPTER 2—OTHER HIGHWAYS

- Sec.  
 201. Authorizations.  
 202. Apportionment or allocation.  
 203. Availability of funds.  
 204. Forest highways.  
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 210. Defense access roads.  
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*Sec. 201. Authorizations*

The provisions of this title shall apply to all unappropriated authorizations contained in prior acts, and also to all unexpended appropriations heretofore made, providing for the expenditure of Federal funds on the following classes of highways: forest highways; forest development roads and trails; park roads and trails; parkways; Indian reservation roads; public lands roads; and defense access roads. All such authorizations and appropriations shall continue in full force and effect, but hereafter obligations entered into and expenditures made pursuant thereto shall be subject to the provisions of this title.

*Sec. 202. Apportionment or Allocation*

(a) On or before the January 1 next preceding the commencement of each fiscal year, the Secretary shall apportion the sums authorized to be appropriated for

Prior authorization acts would not be repealed under the bill.

*1950 Act, sec. 3, 1st proviso*

\* \* \* appropriation \* \* \* shall be apportioned by the Secretary of Commerce for expenditure in the several States, Alaska, and Puerto Rico, according to the area and



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such fiscal year for forest highways in the several States according to the area and value of the land owned by the United States within the national forests therein which the Secretary of Agriculture is directed to determine and certify to the Secretary from such information, sources, and departments as the Secretary of Agriculture may deem most accurate.

(b) Sums authorized to be appropriated for forest development roads and trails shall be allocated by the Secretary of Agriculture according to the relative needs of the various national forests, taking into consideration the existing transportation facilities, value of timber, or other resources served, relative fire danger, and comparative difficulties of road and trail construction.

(c) Sums authorized to be appropriated for public lands highways shall be allocated by the Secretary among

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value of the land owned by the Government within the national forests therein which the Secretary of Agriculture is hereby directed to determine and certify to him from such information, sources, and departments as the Secretary of Agriculture may deem most accurate, and hereafter, on or before January 1, next preceding the commencement of each succeeding fiscal year the Secretary of Commerce shall make like apportionment of the appropriation authorized for such fiscal year.

*1921 Act, sec. 23(a), 1st paragraph, part*

\* \* \* shall be apportioned among the several States, Alaska, and Puerto Rico by the Secretary of Agriculture, according to the relative needs of the various national forests, taking into consideration the existing transportation facilities, value of timber, or other resources served, relative fire danger, and comparative difficulties of road and trail construction.

*1956 Act, sec. 103(b)*

REPEAL OF CERTAIN APPORTIONMENT PROCEDURES.—The provisions of section 23 of the Federal Highway Act of 1921, as amended and supplemented, requiring apportionment of funds authorized for forest development roads and trails among the several States, Alaska, and Puerto Rico is hereby repealed.

*Act of June 24, 1930 (46 Stat. 805), part*

\* \* \* main roads through unappropriated or unserved public lands, nontaxable Indian lands, or other

those States having unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations, on the basis of need in such States, respectively, as determined by the Secretary upon application of the State highway departments of the respective States. Preference shall be given to those projects which are located on a Federal-aid system.

Federal reservations other than the forest reservations. Such sums as the Congress may hereafter authorize to be appropriated under the provisions of this section shall be apportioned among those states having more than 5 per centum of their area in the lands hereinbefore described \* \* \* and no contribution from the states shall be required in the expenditure thereof. *Provided*, That in the allocation of any such funds authorized to be appropriated under this section or any subsequent act preference shall be given to those projects which are located on the Federal-aid highway system as the same are now or may hereafter be designated.

*1950 Act, sec. 10, part*

\* \* \* main roads through unappropriated or unserved public lands, nontaxable Indian lands, or other Federal reservations \* \* \* *Provided*, That such funds shall be available for expenditure in the lands hereinbefore described on the basis of need in such States, respectively, as determined by the Commissioner of Public Roads upon application of the highway departments of the respective States and without regard to any law for the apportionment of such funds among said States.

*1956 Act, sec. 106*

Any funds authorized herein for forest highways, forest development roads and trails, park roads and trails, parkways, Indian roads, and public lands highways shall be available for contract upon apportionment, or a date not earlier than one year preceding the beginning of the fiscal year for which authorized if no apportionment is required: *Provided*, That any amount remaining unex-

*Sec. 203. Availability of Funds*

Funds now authorized for forest highways, forest development roads and trails, park roads and trails, parkways, Indian reservation roads, and public lands highways shall be available for contract upon apportionment, or a date not earlier than one year preceding the beginning of the fiscal year for which authorized if no apportionment is required. Any amount remaining unexpended for

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a period of two years after the close of the fiscal year for which authorized shall lapse. The Secretary of the Department charged with the administration of such funds is hereby granted authority to incur obligations, approve projects, and enter into contracts under such authorizations, and his action in doing so shall be deemed a contractual obligation of the United States for the payment of the cost thereof and such funds shall be deemed to have been expended when so obligated. Any funds heretofore or hereafter authorized for any fiscal year for forest highways, forest development roads and trails, park roads and trails, parkways, Indian roads, and public lands highways shall be deemed to have been expended if a sum equal to the total of the sums authorized for such fiscal year and including the fiscal year ending June 30, 1955, shall have been obligated. Any of such funds released by payment of final voucher or modification of project authorizations shall be credited to the balance of unobligated authorizations and be immediately available for expenditure.

pendent two years after the close of the fiscal year for which authorized shall lapse. The Secretary of the Department charged with the administration of such funds is hereby granted authority to incur obligations, approve projects, and enter into contracts under such authorizations, and his action in doing so shall be deemed a contractual obligation of the Federal Government for the payment of the cost thereof, and such funds shall be deemed to have been expended when so obligated. Any funds heretofore, herein, or hereafter authorized for any fiscal year for forest highways, forest development roads and trails, park roads and trails, parkways, Indian roads, and public lands highways shall be deemed to have been expended if a sum equal to the total of the sums authorized for such fiscal year and previous fiscal years since and including the fiscal year ending June 30, 1955, shall have been obligated. Any of such funds released by payment of final voucher or modification of project authorizations shall be credited to the balance of unobligated authorizations and be immediately available for expenditure.

## 1958 Act, sec. 6

Any funds authorized herein for forest highways, forest development roads and trails, park roads and trails, parkways, Indian roads, and public lands highways shall be available for contract upon apportionment, or a date not earlier than one year preceding the beginning of the fiscal year for which authorized if no apportionment is required: *Provided*, That any amount remaining unexpended two years after the close of the fiscal year for



which authorized shall lapse. The Secretary of the department charged with the administration of such funds is hereby granted authority to incur obligations, approve projects, and enter into contracts under such authorizations, and his action in doing so shall be deemed a contractual obligation of the Federal Government for the payment of the cost thereof, and such funds shall be deemed to have been expended when so obligated. Any funds heretofore, herein, or hereafter authorized for any fiscal year for forest highways, forest development roads and trails, park roads and trails, parkways, Indian roads, and public lands highways shall be deemed to have been expended if a sum equal to the total of the sums authorized for such fiscal year and previous fiscal years since and including the fiscal year ending June 30, 1955, shall have been obligated. Any of such funds released by payment of final voucher or modification of project authorization shall be credited to the balance of unobligated authorizations and be immediately available for expenditure.

*1921 Act, sec. 23 (a), 2d paragraph, part*

\* \* \* such appropriations shall be expended by the Secretary of Agriculture in the survey, construction, reconstruction, and maintenance of forest roads. \* \* \*

*1921 Act, sec. 23 (c)*

The Secretary of Agriculture may enter into contracts with any Territory, State, or civil subdivision thereof for the construction, reconstruction, or maintenance of any forest road or trail or part thereof.

*Sec. 204. Forest Highways*

(a) Funds available for forest highways shall be used by the Secretary to pay for the cost of construction and maintenance thereof. In connection therewith, the Secretary may enter into construction contracts and such other contracts with a State or civil subdivision thereof as he deems advisable.

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*1921 Act, sec. 23(b)*

Cooperation of Territories, States, and civil subdivisions thereof may be accepted but shall not be required by the Secretary of Agriculture.

*1921 Act, sec. 23(d)*

Construction work on forest roads or trails estimated to cost \$5,000 or more per mile, exclusive of bridges, shall be advertised and let to contract.

If such estimated cost is less than \$5,000 per mile, or if, after proper advertising, no acceptable bid is received, or the bids are deemed excessive, the work may be done by the Secretary of Agriculture on his own account; and for such purpose the Secretary of Agriculture may purchase, lease, hire, rent, or otherwise obtain all necessary supplies, materials, tools, equipment, and facilities required to perform the work.

The appropriation made in this section or that may hereafter be made for expenditure under the provision of this section may be expended for the purpose herein authorized and for the payment of wages, salaries, and other expenses for the help employed in connection with such work.

*1950 Act, sec. 3, last proviso*

And *provided further*, That appropriations for forest highways shall be administered in conformity with regulations jointly approved by the Secretary of Commerce and Secretary of Agriculture.

(b) Cooperation of States, counties, or other local subdivisions, may be accepted but shall not be required by the Secretary.

(c) Construction estimated to cost \$5,000 or more per mile, exclusive of bridges, shall be advertised and let to contract. If such estimated cost is less than \$5,000 per mile or if, after proper advertising, no acceptable bid is received or the bids are deemed excessive, the work may be done by the Secretary on his own account. For such purpose, the Secretary may purchase, lease, hire, rent, or otherwise obtain all necessary supplies, materials, tools, equipment, and facilities required to perform the work, and may pay wages, salaries and other expenses for help employed in connection with such work.

(d) All appropriations for forest highways shall be administered in conformity with regulations jointly approved by the Secretary and the Secretary of Agriculture.

(e) The Secretary shall transfer to the Secretary of Agriculture from appropriations for forest highways such amounts as may be needed to cover necessary administrative expenses of the Forest Service in connection with the forest highway program.

(f) Funds available for forest highways shall be available for adjacent vehicular parking areas and for sanitary, water, and fire control facilities.

*1948 Act, sec. 3 (a), last proviso*

*Provided further*, That the Commissioner of Public Roads shall transfer to the Chief of the Forest Service from appropriations for forest highways such amounts as may be needed to cover necessary administrative expenses of the Forest Service in connection with the forest-highway program.

*1956 Act, sec. 103 (a), part*

*Provided further*, That hereafter funds available for forest highways and forest development roads and trails shall also be available for adjacent vehicular parking areas and for sanitary, water, and fire control facilities.

*1958 Act, sec. 3 (a) part*

*Provided further*, That hereafter funds available for forest highways and forest development roads and trails shall also be available for adjacent vehicular parking areas and for sanitary, water, and fire control facilities.

*1921 Act, sec. 23 (a), part*

\* \* \* appropriation \* \* \* that may hereafter be made for expenditures under the provisions of this section shall be expended under the direct supervision of the Secretary of Agriculture in the survey, construction, reconstruction, and maintenance of roads and trails \* \* \*

*1921 Act, sec. 23 (c)*

The Secretary of Agriculture may enter into contracts with any Territory, State, or civil subdivision thereof for the construction, reconstruction, or maintenance of any forest road or trail or part thereof.

#### *Sec. 205. Forest Development Roads and Trails*

(a) Funds available for forest development roads and trails shall be used by the Secretary of Agriculture to pay for the cost of construction and maintenance thereof, including roads and trails, on experimental areas under Forest Service administration. In connection therewith, the Secretary of Agriculture may enter into construction contracts with a State or civil subdivision thereof, and issue such regulations, as he deems advisable.



*1954 Act, sec. 3, 2d proviso*

*Provided further*, That hereafter funds available for forest development roads and trails shall also be available for vehicular parking areas.

*Act of July 22, 1942 (56 Stat. 682) and subsequent appropriation Acts*

\* \* \* and for the construction, reconstruction, and maintenance of roads and trails on experimental areas under Forest Service administration \* \* \*

*1921 Act, sec. 23 (b)*

Cooperation of Territories, States, and civil subdivisions thereof may be accepted but shall not be required by the Secretary of Agriculture.

*1921 Act, sec. 23 (d)*

Construction work on forest roads or trails estimated to cost \$5,000 or more per mile, exclusive of bridges, shall be advertised and let to contract.

If such estimated cost is less than \$5,000 per mile, or if, after proper advertising, no acceptable bid is received, or the bids are deemed excessive, the work may be done by the Secretary of Agriculture on his own account; and for such purpose the Secretary of Agriculture may purchase, lease, hire, rent, or otherwise obtain all necessary supplies, materials, tools, equipment, and facilities required to perform the work.

The appropriation made in this section or that may hereafter be made for expenditure under the provision

(b) Cooperation of States, counties, or other local subdivisions, may be accepted but shall not be required by the Secretary of Agriculture.

(c) Construction estimated to cost \$10,000 or more per mile, exclusive of bridges, shall be advertised and let to contract. If such estimated cost is less than \$10,000 per mile or if, after proper advertising, no acceptable bid is received or the bids are deemed excessive, the work may be done by the Secretary of Agriculture on his own account. For such purpose, the Secretary of Agriculture may purchase, lease, hire, rent, or otherwise obtain all necessary supplies, materials, tools, equipment, and facilities required to perform the work, and may pay wages, salaries and other expenses for help employed in connection with such work.

of this section may be expended for the purpose herein authorized and for the payment of wages, salaries, and other expenses for help employed in connection with such work.

*1948 Act, sec. 3 (c)*

Hereafter, construction work on forest-development roads and trails, pursuant to the provisions of section 23 of the Federal Highway Act of November 9, 1921, as amended and supplemented, estimated to cost \$10,000 or more per mile, exclusive of bridges, shall be advertised and let to contract. If such estimated cost is less than \$10,000 per mile, or if, after proper advertising, no acceptable bid is received, or the bids are deemed excessive, the work may be done by the Secretary of Agriculture on his own account.

*1956 Act, sec. 102 (a), part*

*Provided further*, That hereafter funds available for forest highways and forest development roads and trails shall also be available for adjacent vehicular parking areas and for sanitary, water, and fire control facilities:

*1958 Act, sec. 3 (a) part*

*Provided further*, That hereafter funds available for forest highways and forest development roads and trails shall also be available for adjacent vehicular parking areas and for sanitary, water, and fire control facilities:

*1956 Act, sec. 104 (a), part*

For the construction, reconstruction, and improvement of roads and trails \* \* \* in national parks \* \* \*

(d) Funds available for forest development roads and trails shall be available for adjacent vehicular parking areas and for sanitary, water, and fire control facilities.

*Sec. 206. Park Roads and Trails*

(a) Funds available for park roads and trails shall be used to pay for the cost of construction and improvement thereof.

## SOURCES IN PRIOR LAWS

*1958 Act, sec. 4 (a) part*

For the construction, reconstruction, and improvement of roads and trails \* \* \* in national parks \* \* \*

*1950 Act, sec. 4 (a), proviso*

*Provided*, That hereafter appropriations for the construction, reconstruction, and improvement of such park and monument roads shall be administered in conformity with regulations jointly approved by the Secretary of the Interior and the Secretary of Commerce.

*1956 Act, sec. 104 (b), part*

For the construction, reconstruction, and improvement of parkways. \* \* \*

*1958 Act, sec. 4 (b) part*

For the construction, reconstruction, and improvement of parkways. \* \* \*

*1950 Act, sec. 4 (b), 1st proviso*

*Provided*, That hereafter appropriations for the construction of parkways shall be administered in conformity with regulations jointly approved by the Secretary of the Interior and the Secretary of Commerce.

*1940 Act, sec. 9, proviso*

*Provided*, That hereafter the location of such parkways upon public lands, national forests, or other Federal reservations shall be determined by agreement between the department having jurisdiction over such lands and the National Park Service.

(b) Appropriations for the construction and improvement of park roads shall be administered in conformity with regulations jointly approved by the Secretary and the Secretary of the Interior.

*Sec. 207. Parkway*

(a) Funds available for parkways shall be used to pay for the cost of construction and improvement thereof.

(b) Appropriations for the construction of parkways shall be administered in conformity with regulations jointly approved by the Secretary and the Secretary of the Interior.

(c) The location of parkways upon public lands, national forests, or other Federal reservations, shall be determined by agreement between the department having jurisdiction over such lands and the Secretary of the Interior.



*Sec. 208. Indian Reservation Roads*

(a) Funds available for Indian reservation roads and bridges shall be used to pay for the cost of construction, and improvement thereof.

(b) The Secretary shall approve the location, type, and design of all projects for Indian reservation roads before any expenditures are made thereon and all construction thereof shall be under the general supervision of the Secretary.

(c) Indian labor may be employed in such construction and improvements under such rules and regulations as may be prescribed by the Secretary of the Interior.

*Sec. 209. Public Lands Highways*

(a) Funds available for public lands highways shall be used by the Secretary to pay for the cost of construction and maintenance thereof.

*1956 Act, sec. 104(c), part*

For the construction, improvement and maintenance of Indian reservation roads. \* \* \*

*1958 Act, sec. 4(c) part*

For the construction, improvement and maintenance of Indian reservation roads. \* \* \*

*1956 Act, sec. 104(c), proviso*

*Provided*, That the location, type, and design of all roads and bridges constructed shall be approved by the Secretary of Commerce before any expenditures are made thereon, and all such construction shall be under the general supervision of the Secretary of Commerce.

*Act of May 26, 1928 (45 Stat. 750)*

\* \* \* the employment of Indian labor in the survey, improvement, construction, and maintenance of Indian reservation roads not eligible to Government aid under the Federal Highway Act and for which no other appropriation is available, under such rules and regulations as may be prescribed by the Secretary of the Interior.

*1956 Act, sec. 105, part*

\* \* \* for the survey, construction, reconstruction, and maintenance of main roads through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations \* \* \*

*1958 Act, sec. 5, part*

\* \* \* for the survey, construction, reconstruction, and maintenance of main roads through unappropriated or

(b) The Secretary is authorized to cooperate with the State highway departments and with the Secretary of the Department having jurisdiction over the particular lands, in the survey, construction and maintenance of public lands highways.

(c) The provisions of section 112 of this title are applicable to public lands highways.

#### *Sec. 210. Defense Access Roads*

(a) The Secretary is authorized out of the funds appropriated for defense access roads to provide for the construction and maintenance of defense access roads (including bridges, tubes, and tunnels thereon) to military reservations, to defense industries and defense industry sites and to the sources of raw materials when such roads are certified to the Secretary as important to the national defense by the Secretary of Defense or such other official as the President may designate, and for replacing existing highways and highway connections that are shut off from general public use by necessary closures or restrictions at military reservations and defense industry sites.

unreserved public lands, nontaxable Indian lands, or other Federal reservations \* \* \*

#### *Act of June 24, 1930 (46 Stat. 805), part*

The Secretary of Agriculture is authorized to cooperate with the State highway departments and with the Department of the Interior, in the survey, construction, reconstruction, and maintenance of main roads through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations other than the forest reservations.

#### *1941 Act, sec. 6, first two sentences*

The Commissioner of Public Roads is authorized to provide for the construction and improvement of access roads (including bridges, tubes and tunnels thereon) to military and naval reservations, to defense industries and defense industry sites, and to the sources of raw materials when such roads are certified to the Federal Works Administrator as important to the national defense by the Secretary of War or the Secretary of the Navy, and for replacing existing highways and highway connections that are shut off from general public use by necessary closures or restrictions at military and naval reservations and defense industry sites. The acquisition of new or additional rights-of-way necessary for such projects may, to the extent determined by the Federal Works Administrator, be included as part of the construction of such projects and Federal funds shall be available to pay the cost of such acquisition.

*1942 Act, sec. 1(b)*

The first sentence of section 6 of such Act is hereby amended by inserting, after the word "construction", a comma and the word "maintenance".

*1941 Act, sec. 6, 3d sentence, part*

\* \* \* sum \* \* \* which shall be available, without regard to apportionment among the several States, for paying all or any part of the cost thereof. \* \* \*

*Act of October 16, 1951 (65 Stat. 422) part*

That not exceeding \$5,000,000 of any funds appropriated under this authorization may be used by the Secretary of Commerce in areas certified to him by the Secretary of Defense as maneuver areas, for such reconstruction, maintenance, and repair work as may be necessary to keep the roads therein which have been or may be used for training of the Armed Forces in suitable condition for such training purposes, and for repairing the damage caused to such roads by the operations of men and equipment in such training.

*1950 Act, sec. 12 (proviso)*

That the roads authorized to be constructed under this section shall be certified to the Secretary of Commerce as important to the national defense by the Secretary of Defense or such other official as the President may designate.

(b) Funds appropriated for the purposes of this section shall be available without regard to apportionment among the several States for paying all or any part of the cost of the construction and maintenance of defense access roads.

(c) Not exceeding \$5,000,000 of any funds appropriated under the Act approved October 16, 1951 (65 Stat. 422), may be used by the Secretary in areas certified to him by the Secretary of Defense as maneuver areas for such construction, maintenance and repair work as may be necessary to keep the highways therein, which have been or may be used for training of the armed forces, in suitable condition for such training purposes and for repairing the damage caused to such highways by the operations of men and equipment in such training.



(d) Whenever any project for the construction of a circumferential highway around a city or of a radial intracity route thereto submitted by any State is certified by the Secretary of Defense, or such other official as the President may designate as being important for civilian or military defense, such project may be constructed out of the funds heretofore or hereafter appropriated for defense access roads.

(e) If the Secretary shall determine that the State highway department of any State is unable to obtain possession and the right to enter upon and use the required rights-of-way, lands or interest in lands, improved, or unimproved, required for any project authorized by this section with sufficient promptness, the Secretary is authorized to acquire, enter upon, take possession thereof and expend funds for projects thereon, prior to approval of title by the Attorney General, in the name of the United States, such rights-of-way, lands or interest in lands as may be required in such State for such projects by purchase, donation, condemnation or otherwise in accordance with the laws of the United States (including the Act of February 26, 1931, 46 Stat. 1421). The cost incurred by the Secretary in acquiring any such rights-of-way, lands or interest in lands may include the cost of examination and abstract of title, certificate of title, advertising, and any fees incidental to such acquisition; and shall be pay-

1952 Act, sec. 10, 1st proviso

*Provided*, That whenever any project for the construction or improvement of a circumferential highway around a city or of a radial intracity route thereto submitted by any State, is certified by the Secretary of Defense, or such other official as the President may designate, as being important for civilian or military defense, such project may be constructed under the authorization in this section and in accordance with the conditions contained therein.

1941 Act, sec. 14

**ACQUISITION OF RIGHTS-OF-WAY.**—By agreement with the State highway department of any State, such new or additional rights-of-way, lands, or interests in lands in such State as may be required for any project authorized by this Act, may be acquired by such highway department or by any political subdivision of such State, and the Commissioner of Public Roads may advance or reimburse the share of the cost of such acquisition payable by the Federal Government: *Provided, however*, That if the Federal Works Administrator shall determine that the highway department of any State is unable to obtain possession and the right to enter upon and use the required rights-of-way, lands, or interests in lands, improved or unimproved, with sufficient promptness, the Federal Works Administrator is authorized to acquire, prior to approval of title by the Attorney General, in the name of the United States, such rights-of-way, lands, or interests in lands as may be required in such State for

able out of the funds available for paying the cost or the Federal share of the cost of the project for which such rights-of-way, lands or interest in lands are acquired. The Secretary is further authorized and directed by proper deed executed in the name of the United States to convey any lands or interest in lands acquired in any State under the provisions of prior acts or of this section to the State highway department of such State or to such political subdivision thereof as its laws may provide, upon such terms and conditions as may be agreed upon by the Secretary and the State highway department, or political subdivisions to which the conveyance is to be made.

such projects, by purchase, donation, condemnation, or otherwise, in accordance with the laws of the United States (including the Act of February 26, 1931, 46 Stat. 1421) and, during the continuance of the emergency declared by the President on May 27, 1941, may enter upon and take possession thereof, and expend public funds for projects thereon, prior to approval of title by the Attorney General (without regard to the provisions of sections 355, 1136, and 3709 of the Revised Statutes, as amended, and without regard to State, municipal, or local laws, ordinances, or regulations). The costs incurred by the Federal Works Administrator in acquiring and such rights-of-way, lands, or interests in lands may include the cost of examination and abstract of title, certificate of title, advertising, and any fees incidental to such acquisition; and shall be payable out of the funds available for paying the cost, or the Federal share of the cost, of the project for which such rights-of-way, lands, or interests in lands are acquired. The Federal Works Administrator is further authorized and directed, by proper deed executed in the name of the United States, to convey any lands or interests in lands acquired in any State under the provisions of this section to the highway department of such State, or to such political subdivision thereof as its laws may provide, upon condition that such highway department or

(f) The provisions of section 112 of this title are applicable to defense access roads.

*Note:* In section 210 (e) the words "enter upon, take possession thereof, and expend funds for projects thereon" have been included as a clarification. This language is intended to clarify the authority of the Secretary to take such action as may be necessary in the event he determines that "any State is unable to obtain possession and the right to enter upon and use the required rights-of-way, lands, or interests in lands."

#### *Sec. 211. Timber Access Road Hearings*

With respect to any proposed construction of a timber access road, from funds authorized for carrying out the provisions of sections 204, 205 and 210 of this title, advisory public hearings may be held at a place convenient or adjacent to the area of construction with notice and reasonable opportunity for interested persons to present their views as to the practicability and feasibility of such construction.

political subdivisions will accept the same and will maintain the project constructed thereon.

#### *1952 Act, sec. 10, 2d proviso*

*And be it further provided,* That with respect to any proposed construction or reconstruction of a timber access road under the authority contained in this section, advisory public hearings shall be held at a place convenient or adjacent to the area of construction or reconstruction with notice and reasonable opportunity for interested persons to present their views as to the practicability and feasibility of such construction or reconstruction.

#### *1954 Act, sec. 3, 1st proviso*

*Provided,* That with respect to any proposed construction or reconstruction of a timber access road, advisory public hearings shall be held at a place convenient or adjacent to the area of construction or reconstruction with notice and reasonable opportunity for interested persons to present their views as to the practicability and feasibility of such construction or reconstruction.



*1956 Act, sec. 103, 1st proviso*

*Provided*, That with respect to any proposed construction or reconstruction of a timber access road, advisory public hearings shall be held at a place convenient or adjacent to the area of construction or reconstruction with notice and reasonable opportunity for interested persons to present their views as to the practicability and feasibility of such construction or reconstruction.

*1958 Act, sec. 3 (a), 1st proviso*

*Provided*, That with respect to any proposed construction or reconstruction of a timber access road, advisory public hearings may be held at a place convenient or adjacent to the area of construction or reconstruction with notice and reasonable opportunity for interested persons to present their views as to the practicability and feasibility of such construction or reconstruction.

*1950 Act, sec. 11 (b)*

There is hereby authorized to be appropriated, in addition to the sums heretofore authorized, the sum of \$4,000,000 for the fiscal year ending June 30, 1951, and a like sum for the fiscal year ending June 30, 1952, to be available until expended, to enable the United States to cooperate with the Governments of the American Republics situated in Central America—that is, with the Governments of the Republics of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama—in the survey and construction of the Inter-American Highway within the borders of the aforesaid Republics, respectively. Not to exceed \$2,000,000 of the appropriation hereinabove authorized for each fiscal year may be ex-

*Sec. 212. Inter-American Highway*

(a) Funds appropriated for the Inter-American Highway shall be used to enable the United States to cooperate with the Governments of the American Republics situated in Central America—that is, with the Governments of the Republics of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama—in the survey and construction of the Inter-American Highway within the borders of the aforesaid Republics, respectively. Not to exceed one-third of the appropriation authorized for each fiscal year may be expended without requiring the country or countries in which such sums may be expended to match any part thereof, if the Secretary of State shall find that the cost of constructing said highway in such

country or countries will be beyond their reasonable capacity to bear. The remainder of such authorized appropriations shall be available for expenditure only when matched to the extent required by this section by the country in which such expenditure may be made. Expenditures from the funds available on a matching basis shall not be made for the survey and construction of any portion of said highway within the borders of any country named herein unless such country shall provide and make available for expenditure in conjunction therewith a sum equal to at least one-third of the expenditures that may be incurred by that Government and the United States on such portion of the highway. All expenditures by the United States under the provisions of this section for material, equipment, and supplies shall, whenever practicable, be made for products of the United States or of the country in which such survey or construction work is being carried on. Construction work to be performed under contract shall be advertised for a reasonable period by the Minister of Public Works, or other similar official, of the government concerned in each of the participating countries and contracts shall be awarded pursuant to such advertisements with the approval of the Secretary. No part of the appropriations authorized shall be available for obligation or expenditure for work on said highway in any cooperating country unless the government of said country shall have assented to the provisions of this section; shall have furnished satisfactory assurances that it has an organization adequately qualified to administer

pended without requiring the country or countries in which such sums may be expended to match any part thereof, if the Secretary of State shall find that the cost of constructing said highway in such country or countries will be beyond their reasonable capacity to bear. The remainder of such authorized appropriations shall be available for expenditure only when matched to the extent required by this Act by the country in which such expenditure may be made. Expenditures from the sums available on a matching basis shall not be made for the survey and construction of any portion of said highway within the borders of any country named herein unless such country shall provide and make available for expenditure in conjunction therewith a sum equal to at least one-third of the expenditures that may be incurred by that Government and the United States on such portion of the highway. All expenditures by the United States under the provisions of this Act for material, equipment, and supplies shall, whenever practicable, be made for products of the United States or of the country in which such survey or construction work is being carried on. Construction work to be performed under contract shall be advertised for a reasonable period by the Minister of Public Works, or other similar official, of the government concerned in each of the participating countries and contracts shall be awarded pursuant to such advertisements with the approval of the Secretary of Commerce of the United States. No part of the appropriations herein authorized shall be available for obligation or expenditure for work on said

the functions required of such country under the provisions hereof; and then only as such country may submit requests, from time to time, for the construction of any portion of the highway to standards adequate to meet present and future traffic needs. No part of said appropriations shall be available for obligation or expenditure in any such country until the government of that country shall have entered into an agreement with the United States which shall provide, in part, that said country—

(1) will provide, without participation of funds authorized, all necessary right-of-way for the construction of said highway, which right-of-way shall be of a minimum width where practicable of one hundred meters in rural areas and fifty meters in municipalities and shall forever be held inviolate as a part of highway for public use;

(2) will not impose any highway toll, or permit any such toll to be charged, for use by vehicles or persons of any portion of said highway constructed under the provisions of this section;

(3) will not levy or assess, directly or indirectly, any fee, tax, or other charge for the use of said highway by vehicles or persons from the United States that does not apply equally to vehicles or persons of such country;

highway in any cooperating country unless the government of said country shall have assented to the provisions of this Act; shall have furnished satisfactory assurances that it has an organization adequately qualified to administer the functions required of such country under the provisions hereof; and then only as such country may submit requests, from time to time, for the construction of any portion of the highway to standards adequate to meet present and future traffic needs: *Provided*, That no part of said appropriations shall be available for obligation or expenditure in any such country until the government of that country shall have entered into an agreement with the United States which shall provide, in part, that said country—

(1) will provide, without participation of funds herein authorized, all necessary right-of-way for the construction of said highway, which right-of-way shall be of a minimum width where practicable of one hundred meters in rural areas and fifty meters in municipalities and shall forever be held inviolate as a part of the highway for public use;

(2) will not impose any highway toll, or permit any such toll to be charged, for use by vehicles or persons of any portion of said highway constructed under the provisions of this Act;

(3) will not levy or assess, directly or indirectly, any fee, tax, or other charge for the use of said highway by vehicles or persons from the United States that does not apply equally to vehicles or persons of such country;



(4) will continue to grant reciprocal recognition of vehicle registration and drivers' licenses in accordance with the provisions of the Convention for the Regulation of Inter-American Automotive Traffic, which was opened for signature at the Pan American Union in Washington on December 15, 1943, and to which such country and the United States are parties, or of any other treaty or international convention establishing similar reciprocal recognition; and

(5) will provide for the maintenance of said highway after its completion in condition adequately to serve the needs of present and future traffic.

*1954 Act, sec. 7, part*

Not to exceed one-third of the appropriation authorized for each fiscal year may be expended without requiring the country or countries in which such sums may be expended to match any part thereof, if the Secretary of State shall find that the cost of constructing said highway in such country or countries will be beyond their reasonable capacity to bear.

*Act approved December 26, 1941 (55 Stat. 860), sec. 2*

The survey and construction work authorized by this Act shall be under the administration of the Public Roads Administration, Federal Works Agency, which shall consult with the appropriate officials of the Department of State with respect to matters involving the foreign relations of this Government, and such negotiations with the governments of the American Republics named in section

(b) The survey and construction work authorized by this section shall be under the administration of the Secretary, who shall consult with the appropriate officials of the Department of State with respect to matters involving the foreign relations of this Government, and such negotiations with the Governments of the American Republics named in subsection (a) of this section as may be re-

(4) will continue to grant reciprocal recognition of vehicle registration and drivers' licenses in accordance with the provisions of the Convention for the Regulation of Inter-American Automotive Traffic, which was opened for signature at the Pan American Union in Washington on December 15, 1943, and to which such country and the United States are parties, or of any other treaty or international convention establishing similar reciprocal recognition; and

(5) will provide for the maintenance of said highway after its completion in condition adequately to serve the needs of present and future traffic.

quired to carry out the purposes of this section shall be conducted through, or as authorized by, the Department of State.

(c) The provisions of this section shall not create or authorize the creation of any obligations on the part of the Government of the United States with respect to any expenditures for highway construction or survey heretofore or hereafter undertaken in any of the countries enumerated in subsection (a) of this section, other than the expenditures authorized by the provisions of this section.

(d) Appropriations made pursuant to any authorizations heretofore or hereafter enacted for the Inter-American Highway shall be considered available for expenditure by the Secretary for necessary administrative and engineering expenses in connection with the Inter-American Highway program.

*Note:* Subsection (d) is added as clarification to indicate that appropriations for the Inter-American Highway Program are available for administrative and engineering expenses in connection therewith.

### *Sec. 213. Rama Road*

(a) Recognizing the mutual benefits that will accrue to the Republic of Nicaragua and to the United States from the completion of the road from San Benito to Rama in said Republic of Nicaragua, the construction of which road was begun and partially completed pursuant to an agreement between said Republic and the United States, the Secretary is authorized out of the sums appropriated

1 as may be required to carry out the purposes of this Act shall be conducted through, or as authorized by, the Department of State.

*Act approved December 26, 1941 (55 Stat. 860), sec. 3*

The provisions of this Act shall not create or authorize the creation of any obligations on the part of the Government of the United States with respect to any expenditures for highway construction or survey heretofore or hereafter undertaken in any of the countries enumerated in section 1, other than the expenditures authorized by the provisions of this Act.

### *1952 Act, sec. 5 (a)*

Recognizing the mutual benefits that will accrue to the Republic of Nicaragua and to the United States from the completion of the road from San Benito to Rama in said Republic of Nicaragua, the construction of which road was begun and partially completed pursuant to an agreement between said Republic and the United States, there is hereby authorized to be appropriated \$2,000,000

for such purposes to provide for the construction of such road. No expenditure shall be made hereunder for the construction of said road until a request therefor shall have been received by the Secretary of State from the Government of the Republic of Nicaragua nor until an agreement shall have been entered into by said Republic with the Secretary of State which shall provide, in part, that said Republic—

(1) will provide, without participation of funds authorized under this Act, or under prior acts, all necessary right-of-way for the construction of said highway, which right-of-way shall be of a minimum width where practicable of one hundred meters in rural areas and fifty meters in municipalities and shall forever be held inviolate as a part of the highway for public use;

(2) will not impose any highway toll, or permit any such toll to be charged for the use of said highway by vehicles or persons;

(3) will not levy or assess, directly or indirectly, any fee, tax, or other charge for the use of said road by vehicles or persons from the United States that does not apply equally to vehicles or persons of such Republic;

(4) will continue to grant reciprocal recognition of vehicle registration and drivers' licenses in accordance with the provisions of the Convention for the Regulation of Inter-American Automotive Traffic, which was opened for signature at the Pan American

for the fiscal year ending June 30, 1953, and a like sum for the fiscal year ending June 30, 1954, for the construction of such road, to be available until expended. No expenditure shall be made hereunder for the construction of said road until a request therefor shall have been received by the Secretary of State from the Government of the Republic of Nicaragua nor until an agreement shall have been entered into by said Republic with the Secretary of State which shall provide, in part, that said Republic—

(1) will provide, without participation of funds herein authorized, all necessary right-of-way for the construction of said highway, which right-of-way shall be of a minimum width where practicable of one hundred meters in rural areas and fifty meters in municipalities and shall forever be held inviolate as a part of the highway for public use;

(2) will not impose any highway toll, or permit any such toll to be charged for the use of said highway by vehicles or persons;

(3) will not levy or assess, directly or indirectly, any fee, tax, or other charge for the use of said road by vehicles or persons from the United States that does not apply equally to vehicles or persons of such Republic;

(4) will continue to grant reciprocal recognition of vehicle registration and drivers' licenses in accordance with the provisions of the Convention for the Regulation of Inter-American Automotive Traffic, which was opened for signature at the Pan American



Union in Washington on December 15, 1943, and to which such Republic and the United States are parties; or any other treaty or international convention establishing similar reciprocal recognition; and

(5) will maintain said road after its completion in proper condition adequately to serve the needs of present and future traffic.

(b) The funds appropriated for such purposes shall be available for expenditure in accordance with the terms of this section for the survey and construction of the said road from San Benito to Rama in the Republic of Nicaragua without being matched by said Republic, and all expenditures made under the provisions of this section for materials, equipment, and supplies, shall, whenever practicable, be made for products of the United States or of the Republic of Nicaragua.

(c) The survey and construction work undertaken pursuant to this section shall be under the general supervision of the Secretary.

*Note:* The phrase "and for the survey but not for the construction of a road from Rama to El Bluff" in existing law was deleted inasmuch as the responsibility of the United States to make a survey for this road was canceled by an exchange of notes between the two Governments dated August 2, 1956.

Union in Washington on December 15, 1943, and to which such Republic and the United States are parties; or any other treaty or international convention establishing similar reciprocal recognition; and

(5) will maintain said road after its completion in proper condition adequately to serve the needs of present and future traffic.

#### 1952 Act, sec. 5 (b)

The funds appropriated pursuant to this authorization shall be available for expenditure in accordance with the terms of this Act for the survey and construction of the said road from San Benito to Rama and for the survey but not for the construction of a road from Rama to El Bluff in the Republic of Nicaragua without being matched by said Republic, and all expenditures made under the provisions of this Act for materials, equipment, and supplies, shall, whenever practicable, be made for products of the United States or of the Republic of Nicaragua.

#### 1954 Act, sec. 8, *proviso*

\* \* \* *Provided*, That the survey and construction work authorized by the said section 5 shall be under the general supervision of the Secretary of Commerce.

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## CHAPTER 3—GENERAL PROVISIONS

- Sec. 301. Freedom from tolls.  
 302. State highway department.  
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 321. Bridges on Federal dams.

*1921 Act, sec. 9, 1st paragraph*

*Sec. 301. Freedom From Tolls*  
 Except as provided in section 129 of this title with respect to certain toll bridges and toll tunnels, all highways constructed under the provisions of this title shall be free from tolls of all kinds,

That all highways constructed or reconstructed under the provisions of this act shall be free from tolls of all kinds,

*Sec. 302. State Highway Department*

(a) Any State desiring to avail itself of the provisions of this title shall have a State highway department which shall have adequate powers, and be suitably equipped and organized to discharge to the satisfaction of the Secretary the duties required by this title. Among other things, the organization shall include a secondary road unit.

(b) The State highway department may arrange with a county or group of counties for competent highway engineering personnel, suitably organized and equipped to the satisfaction of the State highway department, to supervise construction and maintenance on a county-unit or group-unit basis, for the construction of projects on the Federal-aid secondary system, financed with secondary funds, and for the maintenance thereof.

*Sec. 303. Bureau Organization*

(a) The Bureau of Public Roads shall be in the Department of Commerce as a primary unit administered by the Federal Highway Administrator, appointed by the President by and with the advice and consent of the Sen-

*1921 Act, sec. 2, part*

The term "State highway department" includes any State department, commission, board, or official having adequate powers and suitably equipped and organized to discharge to the satisfaction of the Secretary of Agriculture the duties herein required.

*1950 Act, sec. 2, to 1st proviso*

Any State desiring to avail itself of the benefits of the funds apportioned for expenditure on the Federal-aid secondary highway system shall establish in its State highway department within six months after the close of the next regular session of its legislature, a secondary road unit and such department shall be suitably organized to discharge to the satisfaction of the Secretary of Commerce, the duties herein required.

*1950 Act, sec. 2, 1st proviso*

*Provided*, That any State highway department may arrange with any county or group of counties having competent highway engineering personnel, suitably organized and equipped to the satisfaction of the State highway department, to supervise construction and maintenance on a county-unit or group-unit basis for the construction and maintenance of secondary road projects.

*Reorganization Plan No. 1, 1939 (53 Stat. 1426), part*

SEC. 301. (a) The Bureau of Public Roads in the Department of Agriculture and its functions and personnel (including the Chief thereof) are transferred from the Department of Agriculture. \* \* \*



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ate. The Administrator shall receive basic compensation at the rate prescribed by law for Assistant Secretaries of executive departments and shall perform such duties as the Secretary of Commerce may prescribe or as may be required by law. There shall be a Commissioner of Public Roads in the Bureau of Public Roads who shall be appointed by the Secretary and perform such duties as may be prescribed by the Federal Highway Administrator. The Commissioner of Public Roads shall receive basic compensation at the rate of \$17,500 per annum.

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SEC. 302. (a) The Bureau of Public Roads and its functions shall be administered as the Public Roads Administration at the head of which shall be the Chief of the Bureau of Public Roads whose title shall be changed to Commissioner of Public Roads. Hereafter the Commissioner of Public Roads shall be appointed by the Federal Works Administrator.

*Reorganization Plan No. 7 of 1949, approved June 20, 1949*  
*Reorganization Plan No. 5 of 1950, approved March 13, 1950*

*Act Approved August 3, 1956, (70 Stat. 990)*

That notwithstanding any other provision of law, order, or regulation, the head of the Bureau of Public Roads in the Department of Commerce shall be a Federal Highway Administrator appointed by the President by and with the advice and consent of the Senate. The Administrator shall receive basic compensation at the rate prescribed by law for Assistant Secretaries of executive departments and shall perform such duties as the Secretary of Commerce may prescribe or as may be required by law.

SEC. 2. The term "Commissioner of Public Roads", as used in all laws, orders, and regulations, shall be deemed to mean "Federal Highway Administrator" on and after the date of enactment of this Act.

SEC. 3. Notwithstanding the provisions of section 2 hereof, there shall be a Commissioner of Public Roads in the Bureau of Public Roads who shall be appointed by the

Secretary of Commerce, and perform such duties as may be prescribed by the Federal Highway Administrator. The basic compensation of the Commissioner of Public Roads shall be \$17,500 per annum.

*1916 Act, sec. 9*

That out of the appropriations made by or under this Act the Secretary of Agriculture is authorized to employ such assistants, clerks, and other persons in the city of Washington and elsewhere, to be taken from the eligible lists of the Civil Service Commission, to rent buildings outside of the city of Washington, to purchase such supplies, material, equipment, office fixtures, and apparatus, and to incur such travel and other expense as he may deem necessary for carrying out the purposes of this Act.

*Appropriation Act, approved June 20, 1956 (70 Stat. 314)*

\* \* \* including advertising in the city of Washington for work to be performed in areas adjacent thereto \* \* \*

*Appropriation Act, approved June 20, 1956 (70 Stat. 314)*

Appropriations to the Bureau of Public Roads may be used \* \* \* for temporary services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C., 55a), but at rates for individuals not in excess of \$100 per diem.

*1956 Act, sec. 116(d)*

PARTICIPATION BY SMALL BUSINESS ENTERPRISES.—It is hereby declared to be in the national interest to encourage and develop the actual and potential capacity of small business and to utilize this important segment of our economy to the fullest extent in construction of the Federal-aid

(b) The Secretary is authorized to employ such assistants, clerks, and other persons in the city of Washington and elsewhere, to be taken from the eligible lists of the Civil Service Commission, to rent buildings outside of the city of Washington, to purchase such supplies, material, equipment, office fixtures and apparatus, to advertise in the city of Washington for work to be performed in areas adjacent thereto, and to incur, and authorize the incurring of, such travel and other expenses as he may deem necessary for carrying out the functions under this title.

(c) The Secretary is authorized to procure temporary services in accordance with the provisions of Section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), but at rates for individuals not in excess of \$100 per diem.

*Sec. 304. Participation by Small Business Enterprises*

It is hereby declared to be in the national interest to encourage and develop the actual and potential capacity of small business and to utilize this important segment of our economy to the fullest practicable extent in construction of the Federal-aid highway systems, including the

Interstate System. In order to carry out that intent and encourage full and free competition, the Secretary should assist, insofar as feasible, small business enterprises in obtaining contracts in connection with the prosecution of the highway program.

*Sec. 305. Archeological and Paleontological Salvage*

Funds authorized to be appropriated under the Federal-Aid Highway Act of 1956, to the extent approved as necessary by the highway department of any State, may be used for archeological and paleontological salvage in that State in compliance with the Act entitled "An Act for the preservation of American antiquities", approved June 8, 1906, (34 Stat. 225) and State laws where applicable.

*Sec. 306. Mapping*

In carrying out the provisions of this title, the Secretary may, whenever practicable, authorize the use of photogrammetric methods in mapping, and the utilization of commercial enterprise for such services.

*Sec. 307. Research and Planning*

(a) The Secretary is authorized in his discretion to engage in research on all phases of highway construction, modernization, development, design, maintenance, safety, financing, and traffic conditions, including the effect thereon of State laws and is authorized to test, develop, or assist in the testing and developing of any material, invention, patented article, or process. The Secretary

highway systems, including the Interstate System. In order to carry out that intent and encourage full and free competition, the Secretary of Commerce should assist, insofar as feasible, small business enterprises in obtaining contracts in connection with the prosecution of the highway program.

*1956 Act, sec. 120*

Funds authorized by this title to be appropriated, to the extent approved as necessary by the highway department of any State, may be used for archeological and paleontological salvage in that State in compliance with the Act entitled "An Act for the preservation of American antiquities", approved June 8, 1906 (34 Stat. 225), and State laws where applicable.

*1956 Act, sec. 121*

In carrying out the provisions of this title the Secretary of Commerce may, wherever practicable, authorize the use of photogrammetric methods in mapping, and the utilization of commercial enterprise for such services.

*1954 Act, sec. 10 (a)*

The Secretary of Commerce is authorized in his discretion to engage in research on all phases of highway construction, reconstruction, modernization, development, design, maintenance, safety, financing, and traffic conditions, including the effect thereon of State laws, and is authorized to test, develop, or assist in the testing and developing of any material, invention, patented article,



or process. The Secretary may carry out the authority granted hereby either independently or in cooperation with any other branch of the Government, State agency, authority, association, institution, corporation (profit or nonprofit), or any other organization or person. The funds required to carry out the provisions of this subsection shall be taken out of the administrative and research funds authorized by section 21 of the Federal Highway Act (42 Stat. 212), as amended. The provisions of section 3709 of the Revised Statutes (41 U. S. C., sec. 5) shall not be applicable to contracts or agreements made under the authority of this subsection.

*1954 Act, sec. 10 (b)*

The Secretary shall include in the highway research program herein authorized studies of economic highway geometrics, structures, and desirable weight and size standards for vehicles using the public highways and of the feasibility of uniformity in State regulations with respect to such standards, and he shall report from time to time to the Committees on Public Works of the Senate and of the House of Representatives on the progress and findings with respect to such studies.

*1944 Act, sec. 8*

With the approval of the Federal Works Administrator, not to exceed 1½ per centum of the amount apportioned for any year to any State under the Federal Highway Act, as amended and supplemented, except sections 3 and 23 thereof, shall hereafter be used with or without State

may publish the results of such research. The Secretary may carry out the authority granted hereby, either independently, or in cooperation with any other branch of the Government, State agency, authority, association, institution, corporation (profit or nonprofit), or any other organization, or person. The funds required to carry out the provisions of this subsection shall be taken out of the administrative and research funds authorized by section 104 of this title and such funds as may be deposited in a special account with the Secretary of the Treasury for such purposes by any cooperating organization or person. The provisions of section 3709 of the Revised Statutes, as amended (41 U. S. C., sec. 5), shall not be applicable to contracts or agreements made under the authority of this subsection.

(b) The Secretary shall include in the highway research program herein authorized studies of economic highway geometrics, structures, and desirable weight and size standards for vehicles using the public highways and of the feasibility of uniformity in State regulations with respect to such standards and he shall report from time to time to the Committees on Public Works of the Senate and of the House of Representatives on the progress and findings with respect to such studies.

(c) Not to exceed 1½ percent of the sums apportioned for any year to any State under section 104 of this title shall be available for expenditure upon request of the State highway department, with the approval of the Secretary, with or without State funds, for engineering and economic surveys and investigations, for the planning of

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future highway programs and the financing thereof, for studies of the economy, safety and convenience of highway usage and the desirable regulation and equitable taxation thereof, and for research necessary in connection with the planning, design, construction and maintenance of highways and highway systems, and the regulation and taxation of their use.

*Note:* Section 307 clarifies existing law. The studies now being undertaken by State highway departments

*Sec. 308. Cooperation with Federal and State agencies and foreign countries*

(a) The Secretary is authorized to perform by contract or otherwise authorized engineering or other services in connection with the survey, construction, maintenance or improvement of highways for other Government agencies, cooperating foreign countries, and State cooperating agencies, and reimbursement for such services (which may include depreciation on engineering and road-building equipment used) shall be credited to the appropriation concerned.

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funds for surveys, plans, engineering, and economic investigations of projects for future construction in such State, on the Federal-aid highway system and extensions thereof within municipalities, on secondary or feeder roads, urban highways or grade-crossing eliminations, and for highway research necessary in connection therewith.

The language in section 307 (c) represents the types of studies now being undertaken by State highway departments.

*1941 Act, sec. 15*

The Commissioner of Public Roads is authorized, upon the request of any branch of the Federal Government, to perform any service in connection with the construction of roads or bridges, including the preparation of plans, designs, specifications and estimates, the execution of contracts, and supervision of the work, payment of all costs involved in such work to be made by transfer of funds in accordance with the provisions of section 7 of the Act approved May 21, 1920 (41 Stat. 613), as amended.

*Appropriation Act, approved June 20, 1956 (70 Stat. 314)*

\* \* \* authorized engineering or other services in connection with the survey, construction, and maintenance, or improvement of roads may be performed for other Government agencies, cooperating foreign countries and State cooperating agencies and reimbursement for such services (which may include depreciation on engineering

and road-building equipment used) shall be credited to the appropriation concerned.

*Appropriation Act, approved June 20, 1956 (70 Stat. 314)*

\* \* \* appropriations for the work of the Bureau of Public Roads shall be available for expenses of warehouse maintenance and the procurement, care, and handling of supplies, materials, and equipment for distribution to projects under the supervision of the Bureau of Public Roads, or for sale or distribution to other Government agencies, cooperating foreign countries and State cooperating agencies, and the cost of such supplies and materials or the value of such equipment (including the cost of transportation and handling) may be reimbursed to current applicable appropriations.

*Appropriation Act, approved June 20, 1956 (70 Stat. 314)*

Of the total amount available from appropriations of the Bureau of Public Roads for general administrative expenses, pursuant to the provisions of section 21 of the Act of November 9, 1921, as amended (23 U. S. C. 21), \$100,000 shall be available for all necessary expenses to enable the President to utilize the services of the Bureau of Public Roads in fulfilling the obligations of the United States under the Convention on the Pan-American Highway Between the United States and Other American Republics (51 Stat. 152), cooperation with several governments, members of the Pan American Union, in connection with the survey and construction of the Inter-American Highway, and for performing engineering service in Pan-American countries for and upon the request of

(b) Appropriations for the work of the Bureau of Public Roads shall be available for expenses of warehouse maintenance and the procurement, care and handling of supplies, materials and equipment for distribution to projects under the supervision of the Bureau of Public Roads, or for sale or distribution to other Government agencies, cooperating foreign countries and State cooperating agencies, and the cost of such supplies and materials or the value of such equipment (including the cost of transportation and handling) may be reimbursed to current applicable appropriations.

#### *Sec. 309. Cooperation with other American Republics*

The President is authorized to utilize the services of the Bureau of Public Roads in fulfilling the obligations of the United States under the Convention on the Pan-American Highway Between the United States and Other American Republics (51 Stat. 152), cooperation with several governments, members of the Organization of American States, in connection with the survey and construction of the Inter-American Highway, and for performing engineering service in the other American Republics for and upon the request of any agency or governmental corporation of the United States. To the extent authorized in appropriation acts, administrative funds available in accordance with subsection (a) of section 104 of this title shall be available annually for the purposes of this section.



any agency or governmental corporation of the United States.

### *Sec. 310. Civil Defense*

In order to assure that adequate consideration is given to civil defense aspects in the planning and construction of highways constructed or reconstructed with the aid of Federal funds, the Secretary of Commerce is authorized and directed to consult, from time to time, with the Federal Civil Defense Administrator relative to the civil defense aspects of highways so constructed or reconstructed.

### *Sec. 311. Highway Improvements Strategically Important to the National Defense*

Funds made available under subsection (a) of section 104 of this title may be used to pay the entire engineering costs of the surveys, plans, specifications, estimates, and supervision of construction of projects for such urgent improvements of highways strategically important from the standpoint of the national defense as may be undertaken on the order of the Secretary and as the result of request of the Secretary of Defense or such other official as the President may designate. With the consent of a State, funds made available under subsection (b) of section 104 of this title may be used to the extent deemed necessary and advisable by the Secretary to carry out the provisions of this section.

### *1954 Act, sec. 9*

In order to assure that adequate consideration is given to civil defense aspects in the planning and construction of highways constructed or reconstructed with the aid of Federal funds, the Secretary of Commerce is authorized and directed to consult, from time to time, with the Federal Civil Defense Administrator relative to the civil defense aspects of highways so constructed or reconstructed.

### *1940 Act, sec. 18*

Funds authorized and made available under section 21 of the Federal Highway Act, as amended, may be used to pay the entire engineering costs of the surveys, plans, specifications, estimates, and supervision of construction of projects for such urgent improvements of highways strategically important from the standpoint of the national defense as may be undertaken on the order of the Federal Works Administrator and as the result of request of the Secretary of War, the Secretary of the Navy, or other authorized national defense agency.

*1941 Act, sec. 17*

DETAIL OF ARMY AND NAVY OFFICERS.—The Secretary of War and the Secretary of the Navy, upon request of the Federal Works Administrator, are authorized to make temporary details to the Public Roads Administration of officers of the Army and officers of the Navy, without additional compensation, for technical advice and for consultation regarding highway needs for the national defense: *Provided*, That the travel and subsistence expenses of officers so detailed shall be paid, from appropriations available to the Public Roads Administration, on the same basis as authorized by law and by regulations of the War Department for officers of the Army and by law and by regulations of the Navy Department for officers of the Navy.

*1950 Act, sec. 14, part*

The Commissioner of Public Roads is authorized and directed to assist in carrying out the action program of the President's Highway Safety Conference and to cooperate with the State highway departments and other agencies in this program to advance the cause of safety on the streets and highways.

*1952 Act, sec. 9*

The Commissioner of Public Roads is authorized and directed to assist in carrying out the action program of the President's Highway Safety Conference and to cooperate with the State highway departments and other agencies in this program to advance the cause of safety on the streets and highways: *Provided*, That not to exceed \$150,000 shall be expended annually for the purposes of this section.

*Sec. 312. Detail of Army, Navy and Air Force Officers*

The Secretary of Defense, upon request of the Secretary, is authorized to make temporary details to the Bureau of Public Roads of officers of the Army, the Navy, and the Air Force, without additional compensation, for technical advice and for consultation regarding highway needs for the national defense. Travel and subsistence expenses of officers so detailed shall be paid from appropriations available to the Department of Commerce on the same basis as authorized by law and by regulations of the Department of Defense for such officers.

*Sec. 313. Highway Safety Conference*

The Secretary is authorized and directed to assist in carrying out the action program of the President on highway safety, and to cooperate with the State highway departments and other agencies in this program to advance the cause of safety on the highways. Not to exceed \$150,000 out of the administrative funds made available in accordance with subsection (a) of section 104 of this title may be expended annually for the purposes of this section.

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*Sec. 314. Relief of employees in hazardous work*

The Secretary is authorized in an emergency to use appropriations to the Department of Commerce for carry out the provisions of this title for medical supplies, services and other assistance necessary for the immediate relief of employees of the Bureau of Public Roads engaged in hazardous work.

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*Appropriation Act, approved June 20, 1956 (70 Stat. 314)*

Appropriations to the Bureau of Public Roads may be used in emergency for medical supplies and services and other assistance necessary for the immediate relief of employees engaged on hazardous work under that Bureau.

*Sec. 315. Rules, regulations and recommendations*

Except as provided in sections 304 (d), 305 (a), 306 (b), 307 (b), and 308 (c) of this title, the Secretary is authorized to prescribe and promulgate all needful rules and regulations for the carrying out of the provisions of this title. The Secretary may make such recommenda-

*1921 Act, sec. 18*

That the Secretary of Agriculture shall prescribe and promulgate all needful rules and regulations for the carrying out of the provisions of this act, including such recommendations to the Congress and the State highway departments as he may deem necessary for preserving and



tions to the Congress and State highway departments as he deems necessary for preserving and protecting the highways and insuring the safety of traffic thereon.

*Sec. 316. Consent by United States to conveyance of property*

For the purposes of this title the consent of the United States is given to any railroad or canal company to convey to the State highway department of any State, or its nominee, any part of its right-of-way or other property in that State acquired by grant from the United States.

*Note:* The words "or its nominee" are added to existing law after the words "State highway department" so that in those instances where the county or other political subdivision is the proper party to hold title to the right-of-way, such action can be effected.

*Sec. 317. Appropriation for highway purposes of lands or interests in lands owned by the United States*

(a) If the Secretary determines that any part of the lands or interests in lands owned by the United States is reasonably necessary for the right-of-way of any highway, or as a source of materials for the construction or maintenance of any such highway adjacent to such lands or interests in lands, the Secretary shall file with the Secretary of the Department supervising the administration of such lands or interests in lands a map showing the portion of such lands or interests in lands which it is desired to appropriate.

(b) If within a period of four months after such filing, the Secretary of such Department shall not have certified to the Secretary that the proposed appropriation of such land or material is contrary to the public interest or

protecting the highways and insuring the safety of traffic thereon.

*1921 Act, sec. 16*

That for the purpose of this act the consent of the United States is hereby given to any railroad or canal company to convey to the highway department of any State any part of its right of way or other property in that State acquired by grant from the United States.

That if the Secretary of Agriculture determines that any part of the public lands or reservations of the United States is reasonably necessary for the right of way of any highway or forest road or as a source of materials for the construction or maintenance of any such highway or forest road adjacent to such lands or reservations, the Secretary of Agriculture shall file with the Secretary of the department supervising the administration of such land or reservation a map showing the portion of such lands or reservations which it is desired to appropriate.

*1921 Act, sec. 17, 1st paragraph*

That if the Secretary of Agriculture determines that any part of the public lands or reservations of the United States is reasonably necessary for the right of way of any highway or forest road or as a source of materials for the construction or maintenance of any such highway or forest road adjacent to such lands or reservations, the Secretary of Agriculture shall file with the Secretary of the department supervising the administration of such land or reservation a map showing the portion of such lands or reservations which it is desired to appropriate.

*1921 Act, sec. 17, 2d paragraph*

If within a period of four months after such filing the said Secretary shall not have certified to the Secretary of Agriculture that the proposed appropriation of such land

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inconsistent with the purposes for which such land or materials have been reserved, or shall have agreed to the appropriation and transfer under conditions which he deems necessary for the adequate protection and utilization of the reserve, then such land and materials may be appropriated and transferred to the State highway department, or its nominee, for such purposes and subject to the conditions so specified.

(c) If at any time the need for any such lands or materials for such purposes shall no longer exist, notice of the fact shall be given by the State highway department to the Secretary and such lands or materials shall immediately revert to the control of the Secretary of the Department from which they had been appropriated.

(d) The provisions of this section shall apply only to projects constructed on a Federal-aid system or under the provisions of Chapter 2 of this title.

*Note:* The words "lands or interests in lands" have been substituted for "public lands or reservations" in section 318 (a) for purposes of clarity. A minor change in section 318 (b) permits the transfer to a nominee of the State highway department. This is inserted to take care of the situation where a county or other local subdivision rather than the State itself is the proper person to hold title to the right-of-way. The language in section 318 (d) is interpretive of existing law.

*Sec. 318. Highway relocation due to airport*

Federal highway funds shall not be used for the reconstruction or relocation of any highway giving access to an airport constructed or extended after December 20, 1944, or for the reconstruction or relocation of any highway which has been or may be closed or the usefulness

or material is contrary to the public interest or inconsistent with the purposes for which such land or materials have been reserved, or shall have agreed to the appropriation and transfer under conditions which he deems necessary for the adequate protection and utilization of the reserve, then such land and materials may be appropriated and transferred to the State highway department for such purposes and subject to the conditions so specified.

*1921 Act, sec. 17, 3d paragraph*

If at any time the need for any such lands or materials for such purposes shall no longer exist, notice of the fact shall be given by the State highway department to the Secretary of Agriculture, and such lands or materials shall immediately revert to the control of the Secretary of the department from which they had been appropriated.

*1944 Act, sec. 11*

Federal highway funds shall not be used for the reconstruction or relocation of any highway giving access to an airport (if such airport has been constructed or extended after the date of enactment of this Act), or for the reconstruction or relocation of any highway which has

been or may be closed or the usefulness of which has been or may be impaired by the location or construction of any airport (if such airport has been constructed or extended after the date of enactment of this Act), unless, prior to such extension or construction, as the case may be, the State highway department and the Public Roads Administration have concurred with the officials in charge of the airport that the location of such airport or extension thereof and the consequent reconstruction or relocation of the highway are in the public interest.

#### *1940 Act, sec. 11*

Hereafter the construction of highways by the States with the aid of Federal funds may include such roadside and landscape development, including such sanitary and other facilities as may be deemed reasonably necessary to provide for the suitable accommodation of the public, all within the highway right-of-way and adjacent publicly owned or controlled recreational areas of limited size and with provision for convenient and safe access thereto by pedestrian and vehicular traffic, as may be approved by the Public Roads Administration. Such construction likewise may include the purchase of such adjacent strips of land of limited width and primary importance for the preservation of the natural beauty through which highways are constructed, as may be approved by the Public Roads Administration: *Provided*, That not to exceed 3 per centum of the Federal-aid funds apportioned to and matched by any State under this Act

of which has been or may be impaired by the location or construction of any airport constructed or extended after December 20, 1944, unless, prior to such construction or extension, as the case may be, the State highway department and the Secretary have concurred with the officials in charge of the airport that the location of such airport or extension thereof and the consequent reconstruction or relocation of the highway are in the public interest.

#### *Sec. 319. Landscaping*

The construction of highways by the States with sums apportioned in accordance with section 104 of this title may include such roadside and landscape development, including such sanitary and other facilities as may be deemed reasonably necessary to provide for the suitable accommodation of the public, all within the highway right-of-way and adjacent publicly owned or controlled rest and recreational areas of limited size and with provision for convenient and safe access thereto by pedestrian and vehicular traffic, as may be approved by the Secretary. Such construction likewise may include the purchase of such adjacent strips of land of limited width and primary importance for the preservation of the natural beauty through which highways are constructed, as may be approved by the Secretary. Not to exceed 3 percent of such sums, apportioned to a State in any fiscal year in accordance with section 104 of this title, may be



used by it for the purchase of such adjacent strips of land without being matched by such State.

*Note:* The term rest areas has been added to being more descriptive of the area adjacent to a right-of-way.

*Sec. 320. Bridges on Federal dams*

(a) Each executive department, independent establishment, office, board, bureau, commission, authority, administration, corporation wholly owned or controlled by the United States, or other agency of the Government of the United States, hereinafter collectively and individually referred to as "agency", which on or after July 29, 1946 has jurisdiction over and custody of any dam constructed or to be constructed and owned by or for the United States, is authorized, with any funds available to it, to design and construct any such dam in such manner that it will constitute and serve as a suitable and adequate foundation to support a public highway bridge upon and across such dam, and to design and construct upon the foundation thus provided a public highway bridge upon and across such dam. The highway department of the State in which such dam shall be located, jointly with the Secretary, shall first determine and certify to such agency that such bridge is economically desirable and needed as a link in the State or Federal-aid highway systems, and shall request such agency to design and construct such dam so that it will serve as a suitable and adequate foundation for a public highway bridge and to design and construct such highway bridge upon and across such dam,

may be used for the purchase of such adjacent strips of land without being matched by the States.

publicly owned or controlled recreational areas as being more descriptive of the area adjacent to a right-of-way.

*Act approved July 29, 1946 (60 Stat. 709), sec. 1*

That hereafter each executive department, independent establishment, office, board, bureau, commission, authority, administration, corporation wholly owned or controlled by the United States, or other agency of the Government of the United States, hereinafter collectively and individually referred to as "agency", now or hereafter having jurisdiction over and custody of any dam constructed or to be constructed and owned by or for the United States, shall be, and is hereby, authorized, with any funds available to it, to design and construct any such dam in such manner that it will constitute and serve as a suitable and adequate foundation to support a public highway bridge upon and across such dam, and to design and construct upon the foundation thus provided a public highway bridge upon and across such dam: *Provided*, That the highway department of the State in which such dam shall be located jointly with the United States Commissioner of Public Roads shall first determine and certify to such agency that such bridge is economically desirable and needed as a link in the State or Federal-aid highway systems, and shall request such agency to design and construct such dam so that it will serve as a suitable and adequate foundation for a public highway bridge and to

and shall agree to reimburse such agency pursuant to subsection (d) for any additional costs which it may be required to incur because of the design and construction of such dam so that it will serve as a foundation for a public highway bridge and for any expenditures which it may find it necessary to make in designing and constructing such public highway bridge upon and across such dam. In no case shall the design and construction of a bridge upon and across any such dam be undertaken hereunder except by the agency having jurisdiction over and custody of the dam, acting directly or through contractors employed by it, and after such agency shall determine that it will be structurally feasible and will not interfere with the proper functioning and operation of the dam.

(b) Construction of any bridge upon and across any dam pursuant to this section shall not be commenced unless and until the State in which such bridge is to be located, or the appropriate subdivision of such State, shall enter into an agreement with such agency and with the Secretary to construct, or cause to be constructed, with or without the aid of Federal funds, the approach roads necessary to connect such bridge with existing public highways and to maintain, or cause to be maintained, such approach roads from and after their completion. Such agreement may also provide for the design and construction of such bridge upon and across the dam by such agency of the United States and for reimbursing

design and construct such public highway bridge upon and across such dam, and shall agree to reimburse such agency pursuant to section 4 hereof for any additional costs which it may be required to incur because of the design and construction of such dam so that it will serve as a foundation for a public highway bridge and for any expenditures which it may find it necessary to make in designing and constructing such public highway bridge upon and across such dam: *Provided further*, That in no case shall the design and construction of a bridge upon and across any such dam be undertaken hereunder except by the agency having jurisdiction over and custody of the dam, acting directly or through contractors employed by it, and after such agency shall determine that it will be structurally feasible and will not interfere with the proper functioning and operation of the dam.

*Act approved July 29, 1946 (60 Stat. 709), sec. 2*

Construction of any bridge upon and across any dam pursuant to this Act shall not be commenced unless and until the State in which such bridge is to be located, or the appropriate subdivision of such State, shall enter into an agreement with such agency and with the Commissioner of Public Roads to construct, or cause to be constructed, with or without the aid of Federal funds, the approach roads necessary to connect such bridge with existing public highways and to maintain, or cause to be maintained, such approach roads from and after their completion. Such agreement may also provide for the design and construction of such bridge upon and across the dam by such agency of the United States and for



such agency the costs incurred by it in the design and construction of the bridge as provided in subsection (d) of this section. Any such agency is hereby authorized to convey to the State, or to the appropriate subdivision thereof, without cost, such easements and rights-of-way in its custody or over lands of the United States in its custody and control as may be necessary, convenient, or proper for the location, construction, and maintenance of the approach roads referred to in this section, including such roadside parks or recreational areas of limited size as may be deemed necessary for the accommodation of the traveling public. Any bridge constructed pursuant to this section upon and across a dam in the custody and jurisdiction of any agency of the United States, including such portion thereof, if any, as may extend beyond the physical limits of the dam, shall constitute and remain a part of said dam and be maintained by the agency. Any such agency may enter into any such contracts and agreements with the State or its subdivisions respecting public use of any bridge so located and deemed appropriate, but no such bridge shall be closed to public use by the agency except in cases of emergency or when deemed necessary in the interest of national security.

(c) All costs and expenses incurred and expenditures made by any agency in the exercise of the powers and authority conferred by this section (but not including any costs, expenses, or expenditures which would have

reimbursing such agency the costs incurred by it in the design and construction of the bridge as provided in section 4 hereof. Any such agency is hereby authorized to convey to the State, or to the appropriate subdivision thereof, without cost, such easements and rights-of-way in its custody or over lands of the United States in its custody and control as may be necessary, convenient, or proper for the location, construction, and maintenance of the approach roads referred to in this section, including such roadside parks or recreational areas of limited size as may be deemed necessary for the accommodation of the traveling public. Any bridge constructed pursuant to this Act upon and across a dam in the custody and jurisdiction of any agency of the United States, including such portion thereof, if any, as may extend beyond the physical limits of the dam, shall constitute and remain a part of said dam and be maintained by the agency; *Provided, however,* That any such agency may enter into any such contracts and agreements with the State or its subdivisions respecting public use of any bridge so located and constructed as may be deemed appropriate, but no such bridge shall be closed to public use by the agency except in cases of emergency or when deemed necessary in the interest of national security.

*Act approved July 29, 1946 (60 Stat. 709), sec. 3*

All costs and expenses incurred and expenditures made by any agency in the exercise of the powers and authority conferred by this Act (but not including any costs, ex-



been required in any event to satisfy a legal road or bridge relocation obligation or to meet operating or other agency needs) shall be recorded and kept separate and apart from the other costs, expenses, and expenditures of such agency, and no portion thereof shall be charged or allocated to flood control, navigation, irrigation, fertilizer production, the national defense, the development of power, or other program, purpose, or function of such agency.

(d) Not to exceed \$10,000,000 of any money heretofore or hereafter appropriated for expenditure in accordance with the provisions of this Act or prior acts shall be available for expenditure by the Secretary in accordance with the provisions of this section, as an emergency fund, to reimburse any agency for any additional costs or expenditures which it may be required to incur because of the design and construction of any such dam so that it will constitute and serve as a foundation for a public highway bridge upon and across such dam and to reimburse any such agency for any costs, expenses, or expenditures which it may be required to make in designing and constructing any such bridge upon and across a dam in accordance with the provisions of this section, except such costs, expenses, or expenditures as would have been required of such agency in any event to satisfy a legal obligation to relocate a highway or bridge or to meet operating or other agency needs, and there is hereby authorized to be appropriated any sum or sums necessary to reimburse the funds so expended by the Secretary from time to time under the authority of this section. Of each bridge constructed upon and across a

penses, or expenditures which would have been required in any event to satisfy a legal road or bridge relocation obligation or to meet operating or other agency needs) shall be recorded and kept separate and apart from the other costs, expenses, and expenditures of such agency, and no portion thereof shall be charged or allocated to flood control, navigation, irrigation, fertilizer production, the national defense, the development of power, or other program, purpose, or function of such agency.

*Act approved July 29, 1946 (60 Stat. 709), sec. 4*

Not to exceed \$10,000,000 of any money heretofore or hereafter appropriated for expenditure in accordance with the provisions of the Federal Highway Act (42 Stat. 212), as amended and supplemented, shall be available for expenditure by the Commissioner of Public Roads in accordance with the provisions of this Act, as an emergency fund, to reimburse any agency for any additional costs or expenditures which it may be required to incur because of the design and construction of any such dam so that it will constitute and serve as a foundation for a public highway bridge upon and across such dam and to reimburse any such agency for any costs, expenses, or expenditures which may be required to make in designing and constructing any such bridge upon and across a dam in accordance with the provisions of this Act, except such costs, expenses, or expenditures as would have been required of such agency in any event to satisfy a legal obligation to relocate a highway or bridge or to meet operating or other agency needs, and there is hereby authorized to be appropriated any sum or sums necessary to reimburse the funds so ex-

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dam under the provisions of this section, there may be financed wholly with Federal funds that portion thereof which is located within the physical limits of the masonry structure, or structures, of the dam, and the Secretary shall in his sole discretion determine what additional portion of the bridge, if any, may be so financed, such determination to be final and conclusive. The remainder of the bridge, and any necessary related approach roads, shall be financed by the State or its appropriate subdivision, with or without the aid of Federal funds; but said portion of the bridge so financed by the State or its subdivisions, including such portion thereof, if any, as may extend beyond the physical limits of the dam, shall nevertheless be designed and constructed solely by the agency having custody and jurisdiction of the dam as provided in subsection (a) of this section.

(e) In making, reviewing, or approving the design of any bridge or approach structure to be constructed under this section, the agency shall, in matters relating to roadway design, loadings, clearances and widths, and traffic safeguards, give full consideration to and be guided by the standards and advice of the Secretary.

## SOURCES IN PRIOR LAWS

pended by the Commissioner of Public Roads from time to time under the authority of this section. Of each bridge constructed upon and across a dam under the provisions of this Act, there may be financed wholly with Federal funds that portion thereof which is located within the physical limits of the masonry structure, or structures, of the dam, and the Commissioner of Public Roads shall in his sole discretion determine what additional portion of the bridge, if any, may be so financed, such determination to be final and conclusive. The remainder of the bridge, and any necessary related approach roads, shall be financed by the State or its appropriate subdivision, with or without the aid of Federal funds; but said portion of the bridge so financed by the State or its subdivisions, including such portion thereof, if any, as may extend beyond the physical limits of the dam, shall nevertheless be designed and constructed solely by the agency having custody and jurisdiction of the dam as provided in section 1 hereof.

*Act approved July 29, 1946 (60 Stat. 709), sec. 5*

In making, reviewing, or approving the design of any bridge or approach structure to be constructed under this Act the agency shall, in matters relating to roadway design loadings, clearances and widths, and traffic safeguards, give full consideration to and be guided by the standards and advice of the Public Roads Administration.

*Act approved July 29, 1946 (60 Stat. 709), sec. 6*

The authority conferred by this Act shall be in addition to and not in limitation of authority conferred upon any agency by any other law, and nothing in this Act contained shall affect or be deemed to relate to any bridge, approach structure, or highway constructed or to be constructed by any such agency in furtherance of its lawful purposes and requirements or to satisfy a legal obligation incurred independently of this Act.

(f) The authority conferred by this section shall be in addition to and not in limitation of authority conferred upon any agency by any other law, and nothing in this section contained shall affect or be deemed to relate to any bridge, approach structure or highway constructed or to be constructed by any such agency in furtherance of its lawful purposes and requirements or to satisfy a legal obligation incurred independently of this section.



TABLE SHOWING DISTRIBUTION AND PLACEMENT OF SECTIONS OF  
EXISTING LAW IN NEW TITLE 23

Existing law	Merged into, amended or repealed by—	New Title 23
<b>Federal-Aid Road Act of July 11, 1916 (39 Stat. 355):</b>		
Sec. 1.....	Secs. 6 and 9, 1921 Act.....	
Sec. 2.....	Sec. 5, 1919 Act; sec. 2, 1921 Act.....	
Sec. 3.....	Secs. 21 and 24, 1921 Act.....	
Sec. 4.....	Sec. 21, 1921 Act.....	
Sec. 5.....	Sec. 22, 1921 Act.....	
Sec. 6:		
Par. 1.....	Sec. 11, 1921 Act.....	121 (c)
Par. 2.....	Sec. 13, 1921 Act.....	
	Sec. 5, 1919 Act.....	
Par. 3.....	Sec. 12, 1921 Act.....	
Sec. 7.....	Sec. 13, 1921 Act.....	
Sec. 8.....	Sec. 14, 1921 Act.....	
Sec. 9.....	Sec. 23, 1921 Act.....	
Sec. 10.....		303 (b)
<b>Post Office Appropriation Act of Feb. 28, 1919 (40 Stat. 1200):</b>	Sec. 18, 1921 Act.....	
Sec. 5.....		
	Sec. 2, 1921 Act.....	
Sec. 6.....	Sec. 4, par. 4, 1922 Act.....	
Sec. 7.....	Sec. 24, 1921 Act.....	
Sec. 8.....	Sec. 5, 1921 Act.....	
	Sec. 23, 1921 Act.....	
<b>Federal Highway Act of Nov. 9, 1921 (42 Stat. 212):</b>		
Sec. 2:		
Par. 1.....	Surplusage.....	
Par. 2.....		101 (a)
Par. 3.....	Sec. 4, Act of May 21, 1928.....	302 (a), 101 (a)
Par. 4.....		101 (a)
Par. 5.....	Sec. 1, 1943 Act.....	
Par. 6.....	Sec. 1, 1944 Act.....	
Par. 7.....		101 (a)
Par. 8.....		101 (a)
Sec. 3:		
Par. 1.....	Executed.....	
Par. 2.....	Sec. 1, Act of June 24, 1930.....	
Sec. 4.....	Act of Feb. 20, 1931.....	
Sec. 5.....	Budget and Accounting Procedures Act, 1950 (64 Stat. 832).....	
Sec. 6:	Executed.....	
Par. 1.....		105 (c), 103 (b)
Par. 2.....	Act of Feb. 23, 1931.....	103 (b)
	Act of June 23, 1936.....	
Par. 3.....	Sec. 1 (b), 1938 Act.....	
Par. 5.....	Sec. 107, 1956 Act.....	
Par. 7.....		121 (c)
Par. 8.....		103 (e)
Par. 4 and 6.....	Sec. 4, 1944 Act.....	
Par. 7.....	Executed.....	
Par. 8.....	Sec. 304, 1932 Act.....	
Sec. 7.....		110 (a)
Sec. 8.....		109 (a)
	Sec. 2, Act of May 21, 1958.....	
Sec. 9:		
Par. 1.....	Sec. 204 (g), National Industrial Recovery Act.....	301
Par. 2.....		109 (a)
Sec. 10.....		
Sec. 11:	Obsolete.....	
Par. 1.....		105 (a), 106 (a), 106 (c), 121 (d) 106 (a)
Par. 2.....		
	Sec. 4, par. 4, 1922 Act.....	
Sec. 12.....	Sec. 1, Act of May 21, 1928.....	
Sec. 13:		114 (a)
Par. 1.....		121 (b)
Par. 2.....	Sec. 10, 1958 Act.....	121 (a)
Par. 3.....		121 (e)
Sec. 14.....	Sec. 6, 1950 Act.....	
Sec. 15.....	Executed.....	
Sec. 16.....		
Sec. 17:		317
Par. 1.....		
Par. 2.....		318 (a)
Par. 3.....		318 (b)
Sec. 18.....		318 (c)
Sec. 19.....	Sec. 10, 1934 Act.....	316

Table showing distribution and placement of sections of existing law in new Title 23—  
Continued

Existing law	Merged into, amended or repealed by—	New Title 23
<b>Federal Highway Act—Continued</b>		
Sec. 20.....	Executed.....	-----
Sec. 21:	-----	-----
Par. 1.....	Sec. 6, 1948 Act.....	-----
Par. 2.....	-----	104 (a)
Par. 3.....	-----	104 (b) (1)
-----	Sec. 1, 1954 Act.....	-----
-----	Sec. 1, 1938 Act.....	-----
-----	Sec. 4 (d), 1944 Act.....	-----
Sec. 22.....	-----	104 (e)
Sec. 23:	-----	-----
(a):	-----	-----
Par. 1.....	Sec. 2, 1936 Act.....	101 (a)
Par. 2.....	Sec. 103 (b), 1956 Act.....	205 (a)
(b).....	Sec. 3 (a), 1948 Act.....	101 (a), 204 (a)
(c).....	-----	204 (b), 205 (b)
(d).....	-----	204 (a), 205 (a)
-----	-----	204 (c)
-----	Sec. 3 (c), 1948 Act.....	205 (c)
Sec. 24.....	Sec. 4, par. 5, 1922 Act.....	-----
<b>Post Office Appropriation Act of June 19, 1922 (42 Stat. 660):</b>		
Sec. 4:		
Par. 1.....	Sec. 1, 1925 Act.....	-----
Par. 2.....	Executed.....	-----
Par. 3.....	-----	101 (a)
Par. 4.....	Sec. 4, 1925 Act.....	-----
Par. 5.....	Sec. 3, Act of Apr. 4, 1930.....	-----
Par. 6.....	Sec. 5, 1925 Act.....	-----
Act Extending Federal Aid to Hawaii, Mar. 10, 1924 (43 Stat. 17).	Sec. 13, 1954 Act.....	-----
<b>Amendment and Authorization of Feb. 12, 1925 (43 Stat. 889):</b>	Act of Feb. 23, 1931.....	101 (a), 105 (e)
Sec. 1.....	Sec. 1 (b), 1936 Act.....	-----
-----	Sec. 1, 1934 Act.....	-----
Sec. 2.....	Executed.....	-----
Sec. 3.....	Executed.....	-----
Sec. 4.....	Sec. 5 (a), 1944 Act.....	-----
Sec. 5.....	Sec. 3, 1926 Act.....	-----
<b>Amendment and Authorization of June 22, 1926 (44 Stat. 760):</b>		
Sec. 1.....	Executed.....	-----
Sec. 2.....	Sec. 2, 1936 Act.....	-----
Sec. 3.....	Executed.....	-----
<b>Federal Aid for Toll Bridges Mar. 3, 1927 (44 Stat. 1398).</b>		129 (a)
<b>Amendment of May 21, 1928 (45 Stat. 683):</b>		
Sec. 1.....	Unused.....	-----
Sec. 2.....	Sec. 1 (c), 1938 Act.....	-----
Sec. 3.....	-----	103 (b)
Sec. 4.....	Sec. 13, 1934 Act.....	-----
<b>Authorization of May 26, 1928 (45 Stat. 755, p. 750).</b>	Executed.....	-----
<b>Appropriations for Roads on Indian Reservations Authorized May 26, 1928 (45 Stat. 756, p. 750).</b>	Sec. 4 (c), 1958 Act.....	208 (c)
<b>Authorization and Amendment of Apr. 4, 1930 (46 Stat. 141):</b>		
Sec. 1.....	Executed.....	-----
Sec. 2.....	Executed.....	-----
Sec. 3.....	Sec. 13, 1934 Act.....	-----
<b>Authorization for Forest Roads and Amendment of May 5, 1930 (46 Stat. 261):</b>		
Secs. 1, 2, and 3.....	Executed.....	-----
<b>Amendment Relative to Construction of Roads through Public Lands and Federal Reservations, June 24, 1930 (46 Stat. 805).</b>	Sec. 7, 1940 Act.....	209 (b), 202 (e)
<b>Amendment of Feb. 20, 1931 (46 Stat. 1173).</b>	-----	-----
<b>Amendment of Feb. 23, 1931, Pertaining to Hawaii (46 Stat. 1415).</b>	Sec. 8, 1950 Act.....	103 (g)
<b>Emergency Relief and Construction Act of 1932 (47 Stat. 709):</b>		
Sec. 304.....	-----	103 (b)
<b>National Industrial Recovery Act (48 Stat. 200):</b>		
Sec. 204 (g).....	-----	129 (a)

Table showing distribution and placement of sections of existing law in new Title 23—  
Continued

Existing law	Merged into, amended or repealed by—	New Title 23
Hayden-Cartwright Act, June 18, 1934 (48 Stat. 993):		
Sec. 1.....	Secs. 1 (b) and 7, 1936 Act.....	
Sec. 2.....	Executed.....	
Sec. 3.....	Sec. 4, 1938 Act.....	
Sec. 4:		
Par. 1.....	Executed.....	
Par. 2.....	Sec. 1 (a), 1936 Act.....	
Sec. 5.....	Executed.....	
Sec. 6.....	Executed.....	
Sec. 7.....	Executed.....	
Sec. 8.....	Executed.....	
Sec. 9.....	Sec. 1 (c), 1936 Act.....	
Sec. 10.....	Act of Aug. 7, 1946 (60 Stat. 866) Act of Aug. 30, 1954 (68 Stat. 996)	
Sec. 11.....	Sec. 9, 1936 Act.....	
Sec. 12.....	Sec. 16, 1940 Act.....	126
Sec. 13.....	Executed.....	
Sec. 14.....	Executed.....	
Sec. 15.....	Executed.....	
Authorization and Amendment of June 16, 1936 (49 Stat. 1519):		
Sec. 1:		
(a).....	Sec. 1 (a), 1938 Act.....	
(b).....		104 (b), 105 (a), 118 (a), 106 (a), 114 (a), 118 (c)
(c).....	Sec. 2, 1944 Act.....	101 (a)
(d).....	Executed.....	
Sec. 2.....	Sec. 6, 1940 Act.....	
Sec. 3.....	Sec. 3, 1948 Act.....	
Sec. 4.....	Executed.....	
Sec. 5.....	Executed.....	
Sec. 6.....	Sec. 8, 1938 Act.....	
Sec. 7.....	Sec. 10, 1940 Act.....	
Sec. 8.....	Sec. 2, 1938 Act.....	109 (e)
Sec. 9.....	Sec. 3, 1938 Act.....	
Sec. 10.....	Sec. 10, 1938 Act.....	
	Act of Oct. 9, 1940.....	
	Sec. 2, Act of June 30, 1947.....	103 (b), 101 (a)
Act Extending Federal Aid to Puerto Rico, June 23, 1936 (49 Stat. 1891).		
The Federal-Aid Highway Act of 1938, June 8, 1938 (52 Stat. 633):		
Sec. 1:		
(a).....	Sec. 4 (d), 1944 Act.....	103 (b), 101 (a)
(b).....		
(c).....	Sec. 11, 1940 Act.....	
(d).....	Executed.....	
(e).....		101 (a)
Sec. 2.....	Sec. 2, 1940 Act.....	
Sec. 3.....	Sec. 5, 1940 Act.....	
Sec. 4.....	Sec. 7, 1943 Act.....	
Sec. 5.....	Sec. 6, 1940 Act.....	
Sec. 6.....	Executed.....	
Sec. 7.....	Executed.....	
Sec. 8.....	Sec. 9, 1940 Act.....	
Sec. 9.....	Executed.....	
Sec. 10.....	Sec. 2, Act of July 19, 1939.....	
Sec. 11.....	Sec. 16, 1940 Act.....	
Sec. 12.....		109 (a), 112 (a)
Sec. 13.....	Executed.....	
Aid in Freeing Toll Bridges in Federal-Aid System, July 19, 1939 (53 Stat. 1066):		
Sec. 1.....	Sec. 8, Act of July 13, 1943.....	
Sec. 2.....	Sec. 8, 1944 Act.....	
Federal Highway Act of 1940, Sept. 5, 1940 (54 Stat. 867):		
Sec. 1.....	Executed.....	
Sec. 2.....	Sec. 3 (b), 1944 Act.....	
Sec. 3.....	Executed.....	
Sec. 4.....	Executed.....	
Sec. 5.....	Sec. 5 (b), 1944 Act.....	
Sec. 6.....	Sec. 3 (a), 1948 Act.....	
	Sec. 9, 1944 Act.....	
Sec. 7.....	Sec. 10, 1950 Act.....	
Sec. 8.....	Sec. 4 (a), 1950 Act.....	
Sec. 9.....		207 (c)
Sec. 10.....	Sec. 4 (b), 1950 Act.....	
Sec. 11.....	Sec. 10 (c), 1944 Act.....	



Table showing distribution and placement of sections of existing law in new Title 23—  
Continued

Existing law	Merged into, amended or repealed by—	New Title 23
<b>Federal Highway Act—Continued</b>		
Sec. 12.....	(a) Executed.....	
Sec. 13.....	(b) Executed.....	
Sec. 14.....	Temporary Defense Measure—cf. sec. 8, 1941 Act.....	
Sec. 15.....	Sec. 10, 1954 Act.....	
Sec. 16.....	Ex. O 9805, etc.....	
Sec. 17.....	Executed.....	126 (b)
Sec. 18.....		311
Sec. 19.....		105 (d)
<b>Defense Highway Act of 1941, Nov. 19, 1941 (55 Stat. 765):</b>		
Sec. 1.....	} Obsolete—cf. sec. 7, 1944 Act.....	
Sec. 2.....		
Sec. 3.....		
Sec. 4.....		
Sec. 5.....		
Sec. 6.....	Executed.....	
Sec. 7.....	Sec. 2, 1943 Act.....	
Sec. 8.....	Sec. 12, 1950 Act.....	210 (a), 210 (b)
Sec. 9.....	Sec. 6, 1944 Act.....	
Sec. 10.....	Temporary War Measure.....	
Sec. 11.....	Obsolete—cf. sec. 7, 1944 Act.....	
Sec. 12.....	Sec. 6, 1943 Act.....	
Sec. 13.....	} Obsolete—cf. secs. 1, 2, 3, and 9.....	
Sec. 14.....		
Sec. 15.....	Sec. 5, 1944 Act.....	210 (c)
Sec. 16.....		308 (a)
Sec. 17.....		315
<b>Amendment of July 2, 1942 (56 Stat. 562):</b>		312
Sec. 1:		
(a).....	Executed.....	
(b).....		210 (a)
(c).....	Executed.....	
(d).....	Executed.....	
Sec. 2.....	Obsolete—cf. secs. 1, 2, 3, 9, 11, and 12, 1941 Act.....	
<b>Amendment of July 13, 1943 (57 Stat. 560):</b>		
Sec. 1.....	Sec. 1, 1944 Act.....	
Sec. 2.....	Executed.....	
Sec. 3.....	Executed.....	
Sec. 4.....	Executed.....	
Sec. 5.....	Executed.....	
Sec. 6.....	Executed.....	
Sec. 7:		
(a).....	Sec. 9, 1950 Act.....	
(b).....	Executed.....	
Sec. 8.....	Act of July 31, 1945.....	
Sec. 9.....	Executed.....	
<b>Amendment of Apr. 4, 1944 (58 Stat. 189):</b>	Executed.....	
<b>Federal-Aid Highway Act of 1944, Dec. 20, 1944 (58 Stat. 838):</b>		
Sec. 1:		
Par. 1.....		101 (a)
Par. 2.....		101 (a)
Par. 3.....		101 (a)
Par. 4.....		103 (c)
Sec. 2.....		110 (a), 106 (a), 109 (f)
Sec. 3:		
(a).....	Executed.....	
(b).....		103 (c), 104 (d)
(c).....	Executed.....	
Sec. 4:		
(a).....	Executed.....	
(b).....		104 (b) (2)
(c).....	Sec. 1, 1950.....	104 (b) (3)
(d).....	Act of June 21, 1947.....	
Sec. 5:	Sec. 1, par. 4, 1948.....	
(a).....		120 (a), 120 (d), 130 (a)
(b).....	Sec. 7, 1950 Act.....	130 (b), 130 (c)
Sec. 6.....	Sec. 110 (b), 1956 Act.....	
Sec. 7.....		103 (d)
Sec. 8.....		307 (c)
Sec. 9.....	Executed in part.....	
	Canceled in part sec. 3 (b), 1948 Act.....	

Table showing distribution and placement of sections of existing law in new Title 23—  
Continued

Existing law	Merged into, amended or repealed by—	New Title 23
<b>Federal-Aid Highway Act of 1944, Dec. 20, 1944 (58 Stat. 838)—Continued</b>		
Sec. 10:		
(a).....	Executed.....	-----
(b).....	Executed.....	-----
(c).....	Sec. 4 (c), 1948.....	-----
Sec. 11.....	-----	319
Sec. 12.....	-----	109 (d)
<b>Amendment of July 31, 1945 (39 Stat. 507)</b>	Obsolete.....	321
<b>Act Relating to Design of Dams for Bridge Foundations, July 29, 1946 (60 Stat. 709)</b>		
<b>Amendment of June 21, 1947 (61 Stat. 136)</b>	Sec. 1, 1948 Act.....	-----
<b>The Federal-Aid Highway Act of 1948, June 29, 1948 (62 Stat. 1105):</b>		
Sec. 1:		
Par. 1.....	Executed.....	-----
Par. 2.....	-----	103 (c)
Par. 3.....	Sec. 1, par. 3, 1950 Act.....	-----
Par. 4.....	Sec. 1, par. 4, 1950 Act.....	-----
Sec. 2.....	Executed.....	-----
Sec. 3:		
(a).....	Sec. 3, 1950 Act.....	204 (e)
(b).....	Executed.....	-----
(c).....	-----	205 (c)
Sec. 4:		
(a).....	Executed.....	-----
(b).....	Executed.....	-----
(c).....	Sec. 4 (c), 1950 Act.....	-----
Sec. 5.....	Executed.....	-----
Sec. 6.....	-----	104 (a)
<b>The Federal-Aid Highway Act of 1950, Sept. 7, 1950 (64 Stat. 785):</b>		
Sec. 1:		
Par. 1.....	Executed.....	-----
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(b).....	-----	207 (b)
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Sec. 6.....	-----	116 (a), 116 (b), 116 (c)
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	Sec. 7, 1952 Act.....	-----
Sec. 10.....	-----	202 (c)
Sec. 11.....	-----	212 (a) <sup>b</sup>
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<b>Public Law 175, Oct. 15, 1951 (65 Stat. 421)</b>	Sec. 7, 1952 Act.....	-----
<b>Public Law 177, Oct. 16, 1951 (65 Stat. 422)</b>	-----	210 (c)
<b>The Federal-Aid Highway Act of 1952, June 25, 1952 (66 Stat. 158):</b>		
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Continued

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<b>The Federal-Aid Highway Act of 1956,</b>		
<b>June 29, 1956 (70 Stat. 374):</b>		
Sec. 102:		
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(b).....		118 (b), 117 (a), 117 (b), 117 (c), 104 (c)
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The Act Creating a Federal Highway Administrator, Aug. 3, 1956 (70 Stat. 990):	Sec. 12, 1958 Act	
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The Federal-Aid Highway Act of 1958, Apr. 16, 1958 (72 Stat. 89):		303 (a)
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Continued

Existing law	Merged into, amended or repealed by—	New Title 23
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Sec. 11 .....		123 (a)
Sec. 12 .....		131
Sec. 13 .....		128 (a)











Calendar No. 1971

85TH CONGRESS  
2D SESSION

S. 3953

[Report No. 1928]

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IN THE SENATE OF THE UNITED STATES

JUNE 6, 1958

Mr. CASE of South Dakota introduced the following bill; which was read twice  
and referred to the Committee on Public Works

JULY 23, 1958

Reported by Mr. CHAVEZ, with amendments

[Omit the part printed in black brackets and insert the part printed in italic]

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**A BILL**

To revise, codify, and enact into law, title 23 of the United States Code,  
entitled "Highways".

*Be it enacted by the Senate and House of Representatives of the  
United States of America in Congress assembled, That the laws relat-  
ing to highways are revised, codified, and reenacted as Title 23,  
United States Code, "Highways" and may be cited as "Title 23,  
United States Code, §—", as follows:*

**TITLE 23—HIGHWAYS**

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**CHAPTER 1—FEDERAL-AID HIGHWAYS**

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102. Authorizations.
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Sec.

- 117. Secondary road responsibility.
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- 130. Railway-highway crossings.
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### § 101. Definitions and declaration of policy

(a) **[DEFINITIONS.—]**As used in this title, unless the context requires otherwise—

The term “apportionment” in accordance with section 104 of this title includes unexpended apportionments made under prior acts.

✓ The term “construction” means the supervising, inspecting, actual building, and all expenses incidental to the construction or reconstruction of a highway, including locating, surveying, and mapping (including the establishment of temporary and permanent geodetic markers in accordance with specifications of the Coast and Geodetic Survey in the Department of Commerce), costs of rights-of-way, and elimination of hazards of railway-grade crossings.

The term “county” includes corresponding units of government under any other name in States which do not have county organizations, and likewise in those States in which the county government does not have jurisdiction over highways it may be construed to mean any local government unit vested with jurisdiction over local highways.

✓ The term “forest road or trail” means a road or trail wholly or partly within or adjacent to and serving the national forests.

✓ The term “forest development roads and trails” means those forest roads or trails of primary importance for the protection, administration, and utilization of the national forests, or where necessary, for the use and development of the resources upon which communities within or adjacent to the national forests are dependent.

✓ The term “forest highway” means a forest road which is of primary importance to the States, counties, or communities within, adjoining, or adjacent to the national forests.

The term “highway” includes roads, streets, and parkways, and also includes rights-of-way, bridges, railroad-highway crossings,

tunnels, drainage structures, signs, guardrails, and protective structures, in connection with highways. It further includes that portion of any interstate or international bridge or tunnel and the approaches thereto, the cost of which is assumed by a State highway department including such facilities as may be required by the United States Customs and Immigration Services in connection with the operation of an international bridge or tunnel.

The term "Federal-aid highways" means highways located on one of the Federal-aid systems described in section 103 of this title.

The term "Indian reservation roads and bridges" means roads and bridges that are located within an Indian reservation or that provide access to an Indian reservation or Indian land, and that are jointly designated by the Secretary of the Interior and the Secretary as a part of the Indian Bureau road system.

The term "maintenance" means the preservation of the entire highway, including surface, shoulders, roadsides, structures, and such traffic-control devices as are necessary for its safe and efficient utilization.

The term "park roads and trails" means those roads or trails, including the necessary bridges, located in national parks or monuments, now or hereafter established, or in other areas administered by the National Park Service of the Department of the Interior (excluding parkways authorized by Acts of Congress) and also including approach roads to national parks or monuments authorized by the Act of January 31, 1931 (46 Stat. 1053), as amended.

The term "parkway" as used in chapter 2 of this title, means a parkway authorized by an Act of Congress on lands to which title is vested in the United States.

The term "project" means an undertaking to construct a particular portion of a highway, or if the context so implies, the particular portion of a highway so constructed.

The term "project agreement" means the formal instrument to be executed by the State highway department and the Secretary as required by the provisions of subsection (a) of section 110 of this title.

The term "public lands highways" means main highways through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations.

The term "rural areas" means all areas of a State not included in urban areas.

The term "Secretary" means Secretary of Commerce.

The term "State" means any one of the forty-eight States, the District of Columbia, Hawaii, Alaska, or Puerto Rico.

The term "State funds" includes funds raised under the authority of the State or any political or other subdivision thereof, and made available for expenditure under the direct control of the State highway department.

The term "State highway department" means that department, commission, board, or official of any State charged by its laws with the responsibility for highway construction.

The term "Federal-aid system" means any one of the Federal-aid highway systems described in section 103 of this title.

The term "Federal-aid primary system" means the Federal-aid highway system described in subsection (b) of section 103 of this title.

The term "Federal-aid secondary system" means the Federal-aid highway system described in subsection (c) of section 103 of this title.

The term "Interstate System" means the National System of Interstate and Defense Highways described in subsection (d) of section 103 of this title.

The term "urban area" means an area including and adjacent to a municipality or other urban place having a population of five thousand or more, as determined by the latest available Federal census, within boundaries to be fixed by a State highway department subject to the approval of the Secretary.

(b) **【DECLARATIONS OF POLICY.—】**It is hereby declared to be in the national interest to accelerate the construction of the Federal-aid highway systems, including the National System of Interstate and Defense Highways, since many of such highways, or portions thereof, are in fact inadequate to meet the needs of local and interstate commerce, the national and civil defense.

It is hereby declared that the prompt and early completion of the National System of Interstate and Defense Highways, so named because of its primary importance to the national defense and hereafter referred to as the "Interstate System", is essential to the national interest and is one of the most important objectives of this Act. It is the intent of Congress that the Interstate System be completed as nearly as practicable over the period of availability of the thirteen years' appropriations authorized for the purpose of expediting its construction, reconstruction, or improvement, inclusive of necessary tunnels and bridges, through the fiscal



year ending June 30, 1969, under section 108 (b) of the Federal-Aid Highway Act of 1956 (70 Stat. 374), and that the entire System in all States be brought to simultaneous completion. Insofar as possible in consonance with this objective, existing highways located on an interstate route shall be used to the extent that such use is practicable, suitable, and feasible, it being the intent that local needs, to the extent practicable, suitable, and feasible, shall be given equal consideration with the needs of interstate commerce.

### **§ 102. Authorizations**

The provisions of this title apply to all unappropriated authorizations contained in prior Acts, and also to all unexpended appropriations heretofore made, providing for the expenditure of Federal funds upon the Federal-aid systems. All such authorizations and appropriations shall continue in full force and effect, but hereafter obligations entered into and expenditures made pursuant thereto shall be subject to the provisions of this title.

### **§ 103. Federal-aid systems**

(a) For the purposes of this title, the three Federal-aid systems, the primary and secondary systems, and the Interstate System, are continued pursuant to the provisions of this section.

(b) The Federal-aid primary system shall consist of an adequate system of connected main highways, selected or designated by each State through its State highway department, subject to the approval of the Secretary as provided by subsection (e) of this section. This system shall not exceed 7 per centum of the total highway mileage of such State, exclusive of mileage within national forests, Indian, or other Federal reservations and within urban areas, as shown by the records of the State highway department on November 9, 1921. Whenever provision has been made by any State for the completion and maintenance of 90 per centum of its Federal-aid primary system, as originally designated, said State through its State highway department by and with the approval of the Secretary is authorized to increase the mileage of its Federal-aid primary system by additional mileage equal to not more than 1 per centum of the total mileage of said State as shown by the records on November 9, 1921. Thereafter, it may make like 1 per centum increases in the mileage of its Federal-aid primary system whenever provision has been made for the completion and maintenance of 90 per centum of the entire system, including the additional mileage previously authorized. This system may be located both in rural and urban areas. The mileage limitations in

This paragraph shall not apply to the District of Columbia, Hawaii, Alaska, or Puerto Rico.

(c) The Federal-aid secondary system shall be selected by the State highway departments and the appropriate local road officials in cooperation with each other, subject to approval by the Secretary as provided in subsection (e) of this section. In making such selections, farm-to-market roads, rural mail routes, public school bus routes, local rural roads, county roads, township roads, and roads of the county road class may be included, so long as they are not on the Federal-aid primary system or the Interstate System. This system shall be confined to rural areas, except (1) that in any State having a population density of more than two hundred per square mile as shown by the latest available Federal census, the system may include mileage in urban areas as well as rural, and (2) that the system may be extended into urban areas subject to the conditions that any such extension passes through the urban area or connects with another Federal-aid system within the urban area, and that Federal participation in projects on such extensions is limited to urban funds.

(d) The Interstate System shall be designated within the continental United States and it shall not exceed forty-one thousand miles in total extent. It shall be so located as to connect by routes, as direct as practicable, the principal metropolitan areas, cities, and industrial centers, to serve the national defense, and to connect at suitable border points with routes of continental importance in the Dominion of Canada and the Republic of Mexico. The routes of this system shall be selected by joint action of the State highway departments of each State and the adjoining States, subject to approval by the Secretary as provided in subsection (e) of this section. All highways or routes included in the Interstate System as finally approved, if not already coincident with the primary system, shall be added to said system without regard to the mileage limitation set forth in subsection (b) of this section. This system may be located both in rural and urban areas.

(e) The Secretary shall have authority to approve in whole or in part the Federal-aid primary system, the Federal-aid secondary system, and the Interstate System, as and when such systems or portions thereof are designated, or to require modifications or revisions thereof. No Federal-aid system or portion thereof shall be eligible for projects in which Federal funds participate until approved by the Secretary.

(f) The system or systems of roads in the Territory of Alaska on which Federal-aid funds may be expended under this [title] chapter

shall be determined and agreed upon by the Governor of Alaska, the Alaska Highway and Public Works Board, and the Secretary.

(g) The system of highways on which funds apportioned to the Territory of Hawaii under this chapter shall be expended may be determined and agreed upon by the Governor of said Territory and the Secretary.

#### § 104. Apportionment

(a) Whenever an apportionment is made of the sums authorized to be appropriated for expenditure upon the Federal-aid systems, the Secretary shall deduct a sum, in such amount not to exceed  $3\frac{3}{4}$  per centum of all sums so authorized, as the Secretary may deem necessary for administering the provisions of law to be financed from appropriations for the Federal-aid systems and for carrying on the research authorized by subsections (a) and (b) of section 307 of this title. In making such determination, the Secretary shall take into account the unexpended balance of any sums deducted for such purposes in prior years. The sum so deducted shall be available for expenditure from the unexpended balance of any appropriation made at any time for expenditure upon the Federal-aid systems, until such sum has been expended.

(b) On or before January 1 next preceding the commencement of each fiscal year, except as provided in paragraphs (4) and (5) of this subsection, the Secretary, after making the deduction authorized by subsection (a) of this section, shall apportion the remainder of the sums authorized to be appropriated for expenditure upon the Federal-aid systems for that fiscal year, among the several States in the following manner:

##### (1) For the Federal-aid primary system:

One-third in the ratio which the area of each State bears to the total area of all the States, except that only one-third of the area of Alaska shall be included; one-third in the ratio which the population of each State bears to the total population of all the States as shown by the latest available Federal census; one-third in the ratio which the mileage of rural delivery routes and star routes in each State bears to the total mileage of rural delivery and star routes in all the States at the close of the next preceding fiscal year, as shown by a certificate of the Postmaster General, which he is directed to make and furnish annually to the Secretary. No State shall receive less than one-half of 1 per centum of each year's apportionment.



(2) For the Federal-aid secondary system:

One-third in the ratio which the area of each State bears to the total area of all the States, except that only one-third of the area of Alaska shall be included; one-third in the ratio which the rural population of each State bears to the total rural population of all the States as shown by the latest available Federal census; and one-third in the ratio which the mileage of rural delivery and star routes, certified as above provided, in each State bears to the total mileage of rural delivery and star routes in all the States. No State shall receive less than one-half of 1 per centum of each year's apportionment.

(3) For extensions of the Federal-aid primary and Federal-aid secondary systems within urban areas:

In the ratio which the population in municipalities and other urban places, of five thousand or more, in each State bears to the total population in municipalities and other urban places of five thousand or more in all the States, as shown by the latest available Federal census. For the purpose of this paragraph, Connecticut and Vermont towns shall be considered municipalities regardless of their incorporated status.

(4) For the Interstate System, for the fiscal years ending June 30, 1957, June 30, 1958, and June 30, 1959:

One-half in the ratio which the population of each State bears to the total population of all the States as shown by the latest available Federal census, except that no States shall receive less than three-fourths of 1 per centum of the funds so apportioned; and one-half in the manner provided in paragraph (1) of this subsection. The sums authorized by section 108 (b) of the Federal-aid Highway Act of 1956 for the fiscal years ending June 30, 1958, and June 30, 1959, shall be apportioned on a date not less than six months and not more than twelve months in advance of the beginning of the fiscal year for which authorized.

(5) For the Interstate System for the fiscal years 1960 through 1969:

In the ratio which the estimated cost of completing the Interstate System in each State, as determined and approved in the manner provided in this paragraph, bears to the sum of the estimated cost of completing the Interstate System in all of the States. Each apportionment herein authorized for the fiscal years 1960 through 1969, inclusive, shall be made on a date as far in advance of the beginning of the fiscal year for which author-

ized as practicable but in no case more than eighteen months prior to the beginning of the fiscal year for which authorized. As soon as the standards provided for in subsection (b) of section 109 of this title have been adopted, the Secretary, in cooperation with the State highway departments, shall make a detailed estimate of the cost of completing the Interstate System as then designated, after taking into account all previous apportionments made under this section, based upon such standards and in accordance with rules and regulations adopted by him and applied uniformly to all of the States. The Secretary shall transmit such estimates to the Senate and the House of Representatives within ten days subsequent to January 2, 1958. Upon approval of such estimate by the Congress by concurrent resolution, the Secretary shall use such approved estimate in making apportionments for the fiscal years ending June 30, 1960, June 30, 1961, and June 30, 1962. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System, after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1962. Upon approval of such estimate by the Congress by concurrent resolution, the Secretary shall use such approved estimate in making apportionments for the fiscal years ending June 30, 1963, June 30, 1964, June 30, 1965, and June 30, 1966. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System, after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1966, and annually thereafter through and including January 2, 1968. Upon approval of any such estimate by the Congress by concurrent resolution, the Secretary shall use such approved estimate in making apportionments for the fiscal year which begins next following the fiscal year in which such report is transmitted to the Senate and the House of Representatives. Whenever the Secretary, pursuant to this subsection, requests and receives estimates of cost from the State highway departments, he shall furnish copies of such estimates at the same time to the Senate and the House of Representatives. In making the estimates of cost for completing the Interstate System as provided in

this paragraph, the cost of completing any mileage designated from the one thousand additional miles authorized by section 108 (1) of the Federal-Aid Highway Act of 1956 shall be excluded.

(c) Not more than 20 per centum of the amount apportioned in any fiscal year, commencing with the apportionment of funds authorized to be appropriated under subsection (a) of section 102 of the Federal-Aid Highway Act of 1956 (70 Stat 374), to each State in accordance with paragraphs (1), (2), or (3) of subsection (b) of this section may be transferred from the apportionment under one paragraph to the apportionment under any other of such paragraphs if such a transfer is requested by the State highway department and is approved by the Governor of such State and the Secretary as being in the public interest. The total of such transfers shall not increase the original apportionment under any of such paragraphs by more than 20 per centum. Nothing contained in this subsection shall alter or impair the authority contained in subsection (d) of this section.

(d) Any funds which are apportioned under paragraph (2) of subsection (b) of this section for the Federal-aid secondary system to a State in which all public roads and highways are under the control and supervision of the State highway department may, if the State highway department and the Secretary jointly agree that such funds are not needed for the Federal-aid secondary system, be expended for projects on another Federal-aid system.

(e) On or before January 1 preceding the commencement of each fiscal year, the Secretary shall certify to each of the State highway departments the sums which he has apportioned hereunder to each State for such fiscal year, and also the sums which he has deducted for administration and research pursuant to subsection (a) of this section.

#### **§ 105. Programs**

(a) As soon as practicable after the apportionments for the Federal-aid systems have been made for any fiscal year, the State highway department of any State desiring to avail itself of the benefits of this chapter shall submit to the Secretary for his approval a program or programs of proposed projects for the utilization of the funds apportioned. The Secretary shall act upon programs submitted to him as soon as practicable after the same have been submitted. The Secretary may approve a program in whole or in part, but he shall not approve any project in a proposed program which is not located upon an approved Federal-aid system.



(b) In approving programs for projects on the Federal-aid secondary system, the Secretary shall require, except in States where all public roads and highways are under the control and supervision of the State highway department, that such project be selected by the State highway department and the appropriate local officials in cooperation with each other.

(c) In approving programs for projects on the Federal-aid primary system, the Secretary shall give preference to such projects as will expedite the completion of an adequate and connected system of highways interstate in character.

(d) In approving programs for projects under this chapter, the Secretary may give priority of approval to, and expedite the construction of, projects that are recommended as important to the national defense by the Secretary of Defense, or other official authorized by the President to make such recommendation.

(e) In approving programs in Hawaii, the Secretary shall give preference to such projects as will expedite the completion of highways for the national defense or which will connect seaports with units of the national parks.

#### **§ 106. Plans, specifications, and estimates**

(a) Except as provided in section 117 of this title, the State highway department shall submit to the Secretary for his approval, as soon as practicable after program approval, such surveys, plans, specifications, and estimates for each proposed project included in an approved program as the Secretary may require. The Secretary shall act upon such surveys, plans, specifications, and estimates as soon as practicable after the same have been submitted, and his approval of any such project shall be deemed a contractual obligation of the Federal Government for the payment of its proportional contribution thereto. In taking such action, the Secretary shall be guided by the provisions of section 109 of this title.

(b) In addition to the approval required under subsection (a) of this section, proposed specifications for projects for construction on the Federal-aid secondary system, except in States where all public roads and highways are under the control and supervision of the State highway department, shall be determined by the State highway department and the appropriate local officials in cooperation with each other.

(c) Items included in any such estimate for construction engineering shall not exceed 10 per centum of the total estimated cost of the

project, after excluding from such total estimated cost, the estimated costs of rights-of-way, preliminary engineering and construction engineering.

**§ 107. Acquisition of rights-of-way—Interstate System**

(a) **【Federal acquisition for States.—】**In any case in which the Secretary is requested by a State to acquire lands or interests in lands (including within the term “interests in lands”, the control of access thereto from adjoining lands) required by such State for right-of-way or other purposes in connection with the prosecution of any project for the construction, reconstruction, or improvement of any section of the Interstate System, the Secretary is authorized, in the name of the United States and prior to the approval of title by the Attorney General, to acquire, enter upon, and take possession of such lands or interests in lands by purchase, donation, condemnation, or otherwise in accordance with the laws of the United States (including the Act of February 26, 1931, 46 Stat. 1421), if—

(1) the Secretary has determined either that the State is unable to acquire necessary lands or interests in lands, or is unable to acquire such lands or interests in lands with sufficient promptness; and

(2) the State has agreed with the Secretary to pay, at such time as may be specified by the Secretary an amount equal to 10 per centum of the costs incurred by the Secretary, in acquiring such lands or interests in lands, or such lesser percentage which represents the State's pro rata share of project costs as determined in accordance with subsection (c) of section 120 of this title.

The authority granted by this section shall also apply to lands and interests in lands received as grants of land from the United States and owned or held by railroads or other corporations.

(b) **【Costs of acquisition.—】**The costs incurred by the Secretary in acquiring any such lands or interests in lands may include the cost of examination and abstract of title, certificate of title, advertising, and any fees incidental to such acquisition. All costs incurred by the Secretary in connection with the acquisition of any such lands or interests in lands shall be paid from the funds for construction, reconstruction, or improvement of the Interstate System apportioned to the State upon the request of which such lands or interests in lands are acquired, and any sums paid to the Secretary by such State as its share of the costs of acquisition of such lands or interests in lands shall be deposited in the Treasury to the credit of the appropriation



for Federal-aid highways and shall be credited to the amount apportioned to such State as its apportionment of funds for construction, reconstruction, or improvement of the Interstate System, or shall be deducted from other moneys due the State for reimbursement from funds authorized to be appropriated under section 108 (b) of the Federal-Aid Highway Act of 1956.

(c) **【Conveyance of acquired lands to the States.—】**The Secretary is further authorized and directed by proper deed, executed in the name of the United States, to convey any such lands or interests in lands acquired in any State under the provisions of this section, except the outside five feet of any such right-of-way in any State which does not provide control of access, to the State highway department of such State or such political subdivision thereof as its laws may provide, upon such terms and conditions as to such lands or interests in lands as may be agreed upon by the Secretary and the State highway department or political subdivisions to which the conveyance is to be made. Whenever the State makes provision for control of access satisfactory to the Secretary, the outside five feet then shall be conveyed to the State by the Secretary, as herein provided.

(d) **【Rights-of-way over public lands.—】**Whenever rights-of-way, including control of access, on the Interstate System are required over lands or interests in lands owned by the United States, the Secretary may make such arrangements with the agency having jurisdiction over such lands as may be necessary to give the State or other person constructing the projects on such lands adequate rights-of-way and control of access thereto from adjoining lands, and any such agency is directed to cooperate with the Secretary in this connection.

#### **§ 108. Advance acquisition of rights-of-way**

(a) For the purpose of facilitating the acquisition of rights-of-way on any of the Federal-aid highway systems, including the Interstate System, in the most expeditious and economical manner, and recognizing that the acquisition of rights-of-way requires lengthy planning and negotiations if it is to be done at a reasonable cost, the Secretary, upon the request of the State highway department, is authorized to make available the funds apportioned to any State for expenditure on any of the Federal-aid highway systems, including the Interstate System, for acquisition of rights-of-way, in anticipation of construction and under such rules and regulations as the Secretary may prescribe. The agreement between the Secretary and the State highway department for the reimbursement of the cost of such rights-of-way shall provide for the actual construction of a road on



such rights-of-way within a period not exceeding five years following the fiscal year in which such request is made.

(b) Federal participation in the cost of rights-of-way acquired under this section shall not exceed the Federal pro rata share applicable to the class of funds from which Federal reimbursement is made.

### **§ 109. Standards**

(a) The Secretary shall not approve plans and specifications for proposed projects on any Federal-aid system if they fail to provide for a facility (1) that will adequately meet the existing and probable future traffic needs and conditions in a manner conducive to safety, durability, and economy of maintenance; (2) that will be designed and constructed in accordance with standards best suited to accomplish the foregoing objectives and to conform to the particular needs of each locality.

(b) The geometric and construction standards to be adopted for the Interstate System shall be those approved by the Secretary in cooperation with the State highway departments. Such standards shall be adequate to accommodate the types and volumes of traffic forecast for the year 1975. The right-of-way width of the Interstate System shall be adequate to permit construction of projects on the Interstate System up to such standards. The Secretary shall apply such standards uniformly throughout the States.

(c) Projects on the Federal-aid secondary system in which Federal funds participate shall be constructed according to specifications that will provide all-weather service and permit maintenance at a reasonable cost.

(d) On any highway project in which Federal funds hereafter participate, or on any such project constructed since December 20, 1944, the location, form and character of informational, regulatory and warning signs, curb and pavement or other markings, and traffic signals installed or placed by any public authority or other agency, shall be subject to the approval of the State highway department with the concurrence of the Secretary, who is directed to concur only in such installations as will promote the safe and efficient utilization of the highways.

(e) No funds shall be approved for expenditure on any Federal-aid highway, or highway affected under chapter 2 of this title, unless proper safety protective devices complying with safety standards determined by the Secretary at that time as being adequate shall

be installed or be in operation at any highway and railroad grade crossing or drawbridge on that portion of the highway with respect to which such expenditures are to be made.

(f) The Secretary shall not, as a condition precedent to his approval under section 106 of this title, require any State to acquire title to, or control of, any marginal land along the proposed highway in addition to that reasonably necessary for road surfaces, median strips, gutters, ditches, and side slopes, and of sufficient width to provide service roads for adjacent property to permit safe access at controlled locations in order to expedite traffic, promote safety, and minimize roadside parking.

#### **§ 110. Project agreements**

(a) As soon as practicable after the plans, specifications, and estimates for a specific project have been approved, the Secretary shall enter into a formal project agreement with the State highway department concerning the construction and maintenance of such project. Such project agreement shall make provision for State funds required for the State's pro rata share of the cost of construction of such project and for the maintenance thereof after completion of construction.

(b) The Secretary may rely upon representations made by the State highway department with respect to the arrangements or agreements made by the State highway department and appropriate local officials where a part of the project is to be constructed at the expense of, or in cooperation with, local subdivisions of the State.

#### **§ 111. Agreements relating to use of and access to rights-of-way, Interstate System**

All agreements between the Secretary and the State highway department for the construction of projects on the Interstate System shall contain a clause providing that the State will not add any points of access to, or exit from, the project in addition to those approved by the Secretary in the plans for such project, without the prior approval of the Secretary. Such agreements shall also contain a clause providing that the State will not permit automotive service stations or other commercial establishments for serving motor vehicle users to be constructed or located on the rights-of-way of the Interstate System. Such agreements may, however, authorize a State or political subdivision thereof to use the airspace above and below the established grade line of the highway pavement for the parking of motor vehicles provided such use does not interfere in any way with the free flow of traffic on the Interstate System.

### **§ 112. Letting of contracts**

(a) In all cases where the construction is to be performed by the State highway department or under its supervision, a request for submission of bids shall be made by advertisement unless some other method is approved by the Secretary. The Secretary shall require such plans and specifications and such methods of bidding as shall be effective in securing competition.

(b) Construction of each project, subject to the provisions of subsection (a) of this section, shall be performed by contract awarded by competitive bidding, unless the Secretary shall affirmatively find that, under the circumstances relating to such project, some other method is in the public interest. All such findings shall be reported promptly in writing to the Committees on Public Works of the Senate and the House of Representatives.

(c) The Secretary shall require as a condition precedent to his approval of each contract awarded by competitive bidding pursuant to subsection (b) of this section, and subject to the provisions of this section, a sworn statement, executed by, or on behalf of, the person, firm, association, or corporation to whom such contract is to be awarded, certifying that such person, firm, association, or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with such contract.

(d) No contract awarded by competitive bidding pursuant to subsection (b) of this section, and subject to the provisions of this section, shall be entered into by any State highway department or local subdivision of the State without compliance with the provisions of this section, and without the prior concurrence of the Secretary in the award thereof.

(e) The provisions of this section shall not be applicable to contracts for projects on the Federal-aid secondary system in those States where the Secretary has discharged his responsibility pursuant to section 117 of this title.

### **§ 113. Prevailing rate of wage—Interstate System**

(a) **【Application of Davis-Bacon Act.—】**The Secretary shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors on the initial construction work performed on highway projects on the Interstate System authorized under section 108 (b) of the Federal-Aid Highway Act of 1956, shall be paid wages at rates not less than those prevailing on the same type of work on similar construction in the immediate



locality as determined by the Secretary of Labor in accordance with the Act of August 30, 1935, known as the Davis-Bacon Act (40 U. S. C., sec. 276a).

(b) **【Consultation with State highway departments; predetermination of rates.—】**In carrying out the duties of subsection (a) of this section, the Secretary of Labor shall consult with the highway department of the State in which a project on the Interstate System is to be performed. After giving due regard to the information thus obtained, he shall make a predetermination of the minimum wages to be paid laborers and mechanics in accordance with the provisions of subsection (a) of this section which shall be set out in each project advertisement for bids and in each bid proposal form and shall be made a part of the contract covering the project.

#### **§ 114. Construction**

(a) The construction of any highways or portions of highways located on a Federal-aid system shall be undertaken by the respective State highway departments or under their direct supervision. Except as provided in section 117 of this title, such construction shall be subject to the inspection and approval of the Secretary. The construction work and labor in each State shall be performed under the direct supervision of the State highway department and in accordance with the laws of that State and applicable Federal laws. Construction may be begun as soon as funds are available for expenditure pursuant to subsection (a) of section 118 of this title.

(b) Convict labor shall not be used in such construction unless it is labor performed by convicts who are on parole or probation.

#### **§ 115. Construction by States in advance of apportionment— Interstate System**

(a) When a State has obligated all funds apportioned to it under subsection (b) (4) and (5) of section 104 of this title, and proceeds to construct any project without the aid of Federal funds, including one or more parts of any project, on the Interstate System as designated at that time, in accordance with all procedures and all requirements applicable to projects financed with Interstate System funds authorized to be appropriated under subsection (b) of section 108 of the Federal-Aid Highway Act of 1956, except insofar as such procedures and requirements limit a State to the construction of projects with the aid of Federal funds previously apportioned to it, the Secretary, upon application by such State and his approval of such application, is authorized to pay to such State the Federal share of the costs

of construction of such project when additional funds are apportioned to such State under subsection (b) (4) and (5) of section 104 of this title if:

(1) prior to the construction of the project the Secretary shall have approved the plans and specifications therefor in the same manner as other projects on the Interstate System, and

(2) the project shall conform to the standards adopted under subsection (b) of section 109 of this title.

(b) In determining the apportionment for any fiscal year under the provisions of subsection (b) (5) of section 104 of this title, any such project constructed by a State without the aid of Federal funds shall not be considered completed until an application under the provisions of this section with respect to such project has been approved by the Secretary.

#### **§ 116. Maintenance**

(a) Except as provided in subsection (d) of this section, it shall be the duty of the State highway department to maintain, or cause to be maintained, any project constructed under the provisions of this chapter or constructed under the provisions of prior Acts. The State's obligation to the United States to maintain any such project shall cease when it no longer constitutes a part of a Federal-aid system.

(b) In any State wherein the State highway department is without legal authority to maintain a project constructed on the Federal-aid secondary system, or within a municipality, such highway department shall enter into a formal agreement for its maintenance with the appropriate officials of the county or municipality in which such project is located.

(c) If at any time the Secretary shall find that any project constructed under the provisions of this chapter, or constructed under the provisions of prior Acts, is not being properly maintained, he shall call such fact to the attention of the State highway department. If, within ninety days after receipt of such notice, such project has not been put in proper condition of maintenance, the Secretary shall withhold approval of further projects of all types in the entire State until such project shall have been put in proper condition of maintenance, unless such project is subject to an agreement pursuant to subsection (b) of this section, in which case approval shall be withheld only for secondary or urban projects in the county or municipality where such project is located.

(d) The Federal-aid funds apportioned to the Territory of Alaska and the funds contributed by the Territory under section 120 of this

title may be expended for the maintenance of roads within the system or systems of roads agreed upon under section 103 (f) of this title under the same terms and conditions as for the construction of such roads.

### **§ 117. Secondary road responsibility**

(a) The Secretary may, upon the request of any State highway department, discharge his responsibility relative to the plans, specifications, estimates, surveys, contract awards, design, inspection, and construction of all projects on the Federal-aid secondary system by his receiving and approving a certified statement by the State highway department setting forth that the plans, design, and construction for each such project are in accord with those standards and procedures which (1) were adopted by such State highway department, (2) were applicable to projects in this category, and (3) were approved by him.

(b) The Secretary shall not approve such standards and procedures unless they are in accordance with the provisions of subsection (b) of section 105, subsection (b) of section 106, and subsection (c) of section 109, of this title.

(c) Subsections (a) and (b) of this section shall not be construed to relieve the Secretary of his obligation to make a final inspection of each project after construction and to require an adequate showing of the estimated cost of construction and the actual cost of construction.

### **§ 118. Availability of sums apportioned**

(a) On and after the date that the Secretary has certified to each State highway department the sums apportioned to each Federal-aid system or part thereof pursuant to an authorization under this title, or under prior Acts, such sums shall be available for expenditure under the provisions of this title.

(b) Such sums shall continue available for expenditure in that State for the appropriate Federal-aid system or part thereof for a period of two years after the close of the fiscal year for which such sums are authorized and any amounts so apportioned remaining unexpended at the end of such period shall lapse, except that any amount apportioned to the States for the Interstate System under subsection (b) (4) and (5) of section 104 of this title remaining unexpended at the end of the period during which it is available under this section shall lapse and shall immediately be reapportioned among the other States in accordance with the provisions of subsection (b) (5) of section 104 of this title. Such sums for any fiscal year shall be deemed to be



expended if a sum equal to the total of the sums apportioned to the State for such fiscal year and previous fiscal years is covered by formal project agreements providing for the expenditure of funds authorized by each Act which contains provisions authorizing the appropriation of funds for Federal-aid highways. Any Federal-aid highway funds released by the payment of the final voucher or by the modification of the formal project agreement shall be credited to the same class of funds, primary, secondary, urban, or interstate, previously apportioned to the State and be immediately available for expenditure.

(c) The total payments to any State shall not at any time during a current fiscal year exceed the total of all apportionments to such State in accordance with section 104 of this title for such fiscal year and all preceding fiscal years.

#### **§ 119. Administration of Federal aid for highways in Alaska**

(a) The Secretary shall administer the functions, duties, and authority pertaining to the construction, repair and maintenance of roads, tramways, ferries, bridges, trails, and other works in Alaska, conferred upon the Department of the Interior and, prior to September 16, 1956, administered by the Secretary of the Interior under the Act of June 30, 1932 (47 Stat. 446; 48 U. S. C., sec. 321a and following).

(b) The Secretary shall, by order or regulations, distribute the functions, duties, and authority required to be administered by him under subsection (a) of this section and appropriations pertaining thereto as he may deem proper to accomplish the economical and effective organization and administration thereof.

#### **§ 120. Federal share payable**

(a) Subject to the provisions of subsections (d) and (h) of this section, the Federal share payable on account of any project, financed with primary, secondary, or urban funds, on the Federal-aid primary system and the Federal-aid secondary system shall not exceed 50 per centum of the cost of construction, except that in the case of any State containing unappropriated and unreserved public lands and non-taxable Indian lands, individual and tribal, exceeding 5 per centum of the total area of all lands therein, the Federal share shall be increased by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State, is of its total area.

(b) Subject to the provisions of subsection (d) of this section, the Federal share payable on account of any project, financed with interstate funds on the Interstate System, authorized to be appropriated prior to June 29, 1956, shall not exceed 60 per centum of the cost of

construction, except that in the case of any State containing unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, exceeding 5 per centum of the total area of all lands therein, the Federal share shall be increased by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State, is of its total area. The provisions of subsection (a) of this section shall apply to any project financed with funds authorized by the provisions of section 2 of the Federal-Aid Highway Act of 1952.

(c) Subject to the provisions of subsection (d) of this section, the Federal share payable on account of any project on the Interstate System provided for by funds made available under the provisions of section 108 (b) of the Federal-Aid Highway Act of 1956 shall be increased to 90 per centum of the total cost thereof, plus a percentage of the remaining 10 per centum of such cost in any State containing unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, exceeding 5 per centum of the total area of all lands therein, equal to the percentage that the area of such lands in such State is of its total area, except that such Federal share payable on any project in any State shall not exceed 95 per centum of the total cost of such project.

(d) The Federal share payable on account of any project for the elimination of hazards of railway-highway crossings, as more fully described and subject to the conditions and limitations set forth in section 130 of this title, may amount to 100 per centum of the cost of construction of such projects, except that not more than 50 per centum of the right-of-way and property damage costs, paid from public funds, on any such project, may be paid from sums apportioned in accordance with section 104 of this [title. Not] *title: Provided, That not* more than 10 per centum of all the sums apportioned for all the Federal-aid systems for any fiscal year in accordance with section 104 of this title shall be used under this subsection [or under section 130 of this title].

(e) The Secretary may rely on a statement from the Secretary of the Interior as to the area of the lands referred to in subsections (a) and (b) of this section. The Secretary of the Interior is authorized and directed to provide such statement annually.

(f) The Federal share payable on account of any repair or reconstruction provided for by funds made available under section 125 of this title shall not exceed 50 per centum of the cost thereof.

(g) The Secretary is authorized to cooperate with the State highway departments and with the Department of the Interior in the

construction of Federal-aid highways within Indian reservations and national parks and monuments under the jurisdiction of the Department of the Interior and to pay the amount assumed therefor from the funds apportioned in accordance with section 104 of this title to the State wherein the reservations and national parks and monuments are located.

(h) The Territory of Alaska shall contribute funds each fiscal year in an amount that shall be not less than 10 per centum of the Federal funds apportioned to it for such fiscal year, such contribution to be deposited in a special account in the Federal Treasury for use in conjunction with the Federal funds apportioned to the Territory. The Federal funds apportioned to the Territory of Alaska and the funds contributed by the Territory may be expended by the Secretary either directly or in cooperation with the Alaska Highway and Public Works Board and may be so expended separately or in combination and without regard to the matching provisions of this chapter.

#### **§ 121. Payment to States for construction**

(a) The Secretary may, in his discretion, from time to time as the work progresses, make payments to a State for costs of construction incurred by it on a project. These payments shall at no time exceed the Federal share of the costs of construction incurred to the date of the voucher covering such payment plus the Federal share of the value of the materials which have been stockpiled in the vicinity of such construction in conformity to plans and specifications for the project.

(b) After completion of a project in accordance with the plans and specifications, and approval of the final voucher by the Secretary, a State shall be entitled to payment out of the appropriate sums apportioned to it of the unpaid balance of the Federal share payable on account of such project.

(c) No payment shall be made under this chapter, except for a project located on a Federal-aid system and covered by a project agreement. No final payment shall be made to a State for its costs of construction of a project until the completion of the construction has been approved by the Secretary following inspections pursuant to section 114 (a) of this title.

(d) In making payments pursuant to this section, the Secretary shall be bound by the limitations with respect to the permissible amounts of such payments contained in sections 120 and 130 of this title. Payments for construction engineering on any one project shall not exceed the **【Federal share of 10 per centum】** *10 per centum*



*of the Federal share* of the cost of construction of such project after excluding from the cost of construction the costs of rights-of-way, preliminary engineering, and construction engineering.

(e) Such payments shall be made to such official or officials or depository as may be designated by the State highway department and authorized under the laws of the State to receive public funds of the State.

### **§ 122. Payment to States for bond retirement**

Any State that shall use the proceeds of bonds issued by the State, county, city, or other political subdivision of the State for the construction of one or more projects on the Federal-aid primary or Interstate System, or extensions of any of the Federal-aid highway systems in urban areas, may claim payment of any portion of the sums apportioned to it for expenditure on such system to aid in the retirement of the principal of such bonds at their maturities, to the extent that the proceeds of such bonds have been actually expended in the construction of one or more of such projects. Such claim for payment may be made only when all of the provisions of this title have been complied with to the same extent and with the same effect as though payment were to be made to the State under section 121 of this title, instead of this section, and the Federal share payable shall not exceed the pro rata basis of payment authorized in section 120 of this title. This section shall not be construed as a commitment or obligation on the part of the United States to provide funds for the payment of the principal of any such bonds.

### **§ 123. Relocation of utility facilities**

(a) When a State shall pay for the cost of relocation of utility facilities necessitated by the construction of a project on the Federal-aid primary or secondary systems or on the Interstate System, including extensions thereof within urban areas, Federal funds may be used to reimburse the State for such cost in the same proportion as Federal funds are expended on the project. Federal funds shall not be used to reimburse the State under this section when the payment to the utility violates the law of the State or violates a legal contract between the utility and the State. Such reimbursement shall be made only after evidence satisfactory to the Secretary shall have been presented to him substantiating the fact that the State has paid such cost from its own funds with respect to Federal-aid highway projects for which Federal funds are obligated subsequent to April 16, 1958, for work, including relocation of utility facilities,

(b) The term "utility", for the purposes of this section, shall include publicly, privately, and cooperatively owned utilities.

(c) The term "cost of relocation", for the purposes of this section, shall include the entire amount paid by such utility properly attributable to such relocation after deducting therefrom any increase in the value of the new facility and any salvage value derived from the old facility.

#### **§ 124. Advances to States**

If the Secretary shall determine that it is necessary for the expeditious completion of projects on any of the Federal-aid systems, including the Interstate System, he may advance to any State out of any existing appropriations the Federal share of the cost of construction thereof to enable the State highway department to make prompt payments for acquisition of rights-of-way, and for the construction as it progresses. The sums so advanced shall be deposited in a special revolving trust fund, by the State official authorized under the laws of the State to receive Federal-aid highway funds, to be disbursed solely upon vouchers approved by the State highway department for rights-of-way which have been or are being acquired, and for construction which has been actually performed and approved by the Secretary pursuant to this chapter. Upon determination by the Secretary that any part of the funds advanced to any State under the provisions of this section are no longer required, the amount of the advance, which is determined to be in excess of current requirements of the State, shall be repaid upon his demand, and such repayments shall be returned to the credit of the appropriation from which the funds were advanced. Any sum advanced and not repaid on demand shall be deducted from sums due the State for the Federal pro rata share of the cost of construction of Federal-aid projects.

#### **§ 125. Emergency relief**

An emergency fund is authorized for expenditure by the Secretary in accordance with the provisions of this section. The Secretary may expend funds therefrom, after receipt of an application therefor from a State highway department, for the repair or reconstruction of highways and bridges on the Federal-aid highway systems, including the Interstate System, in accordance with the provisions of this chapter which he shall find have suffered serious damage as the result of disaster over a wide area, such as by floods, hurricanes, tidal waves, earthquakes, severe storms, landslides, or other catastrophes in any part of the United States. The appropriations of such moneys, not to

exceed \$30,000,000, as may be necessary for the initial establishment of this fund and for its replenishment on an annual basis is authorized. Pending such appropriation or replenishment, the Secretary may expend from existing Federal-aid highway appropriations, such sums as may be necessary for the immediate prosecution of the work herein authorized, such existing appropriations to be reimbursed from the appropriation hereinabove authorized when made. No funds shall be expended under the provisions of this section with respect to any such catastrophe in any State unless an emergency has been declared by the Governor of such State and concurred in by the Secretary.

#### **§ 126. Diversion**

(a) Since it is unfair and unjust to tax motor-vehicle transportation unless the proceeds of such taxation are applied to the construction, improvement, or maintenance of highways, after June 30, 1935, Federal aid for highway construction shall be extended only to those States that use at least the amounts provided by law on June 18, 1934, for such purposes in each State from State motor vehicle registration fees, licenses, gasoline taxes, and other special taxes on motor-vehicle owners and operators of all kinds for the construction, improvement, and maintenance of highways and administrative expenses in connection therewith, including the retirement of bonds for the payment of which such revenues have been pledged, and for no other purposes, under such regulations as the Secretary of Commerce shall promulgate from time to time.

(b) In no case shall the provisions of this section operate to deprive any State of more than one-third of the entire apportionment authorized under this chapter to which that State would be entitled in any fiscal year. The amount of any reduction in a State's apportionment shall be reapportioned in the same manner as any other unexpended balance at the end of the period during which it otherwise would be available in accordance with section 104 (b) of this title.

#### **§ 127. Vehicle weight and width [limitation] *limitations*—Interstate System**

No funds authorized to be appropriated for any fiscal year under section 108 (b) of the Federal-Aid Highway Act of 1956 shall be apportioned to any State within the boundaries of which the Interstate System may lawfully be used by vehicles with weight in excess of eighteen thousand pounds carried on any one axle, or with a tandem-axle weight in excess of thirty-two thousand pounds, or with an over-



all gross weight in excess of seventy-three thousand two hundred and eighty pounds, or with a width in excess of ninety-six inches, or the corresponding maximum weights or maximum widths permitted for vehicles using the public highways of such State under laws or regulations established by appropriate State authority in effect on July 1, 1956, whichever is the greater. Any amount which is withheld from apportionment to any State pursuant to the foregoing provisions shall lapse. This section shall not be construed to deny apportionment to any State allowing the operation within such State of any vehicles or combinations thereof that could be lawfully operated within such State on July 1, 1956.

#### **§ 128. Public hearings**

(a) Any State highway department which submits plans for a Federal-aid highway project involving the bypassing of, or going through, any city, town, or village, either incorporated or unincorporated, shall certify to the Secretary that it has had public hearings, or has afforded the opportunity for such hearings, and has considered the economic effects of such a location. Any State highway department which submits plans for an Interstate System project shall certify to the Secretary that it has had public hearings at a convenient location, or has afforded the opportunity for such hearings, for the purpose of enabling persons in rural areas through or contiguous to whose property the highway will pass to express any objections they may have to the proposed location of such highway.

(b) When hearings have been held under subsection (a), the State highway department shall submit a copy of the transcript of said hearings to the Secretary, together with the certification.

#### **§ 129. Toll roads, bridges and tunnels**

(a) **【Federal aid.—】**Notwithstanding the provisions of section 301 of this title, the Secretary may permit Federal participation, on the same basis and in the same manner as in the construction of free highways under this chapter, in the construction of any toll bridge, toll tunnel, or approach thereto, upon compliance with the conditions contained in this section. Such bridge, tunnel, or approach thereto, must be publicly owned and operated. Federal funds may participate in the approaches to a toll bridge or toll tunnel whether such bridge or tunnel is to be or has been constructed, or acquired, by the State or other public authority. The State highway department or departments must be a party or parties to an agreement with the Secretary whereby it or they undertake performance of the following obligations:

(1) all tolls received from the operation of the bridge or tunnel, less the actual cost of such operation and maintenance, shall be applied to the repayment to the State or other public authority of all of the costs of construction or acquisition of such bridge or tunnel, except that part which was contributed by the United States;

(2) no tolls shall be charged for the use of such bridge or tunnel after the State or other public authority shall have been so repaid; and

(3) after the date of final repayment, the bridge or tunnel shall be maintained and operated as a free bridge or free tunnel.

(b) **【Approval as part of Interstate System.—】**Upon a finding by the Secretary that such action will promote the development of an integrated Interstate System, the Secretary is authorized to approve as part of the Interstate System any toll road, bridge or tunnel, now or hereafter constructed which meets the standards adopted for the improvement of projects located on the Interstate System, when such toll road, bridge or tunnel is located on a route heretofore or hereafter designated as a part of the Interstate System. No Federal-aid highway funds shall be expended for the construction, reconstruction or improvement of any such toll road, except to the extent permitted by law after June 29, 1956. **【Nor】** No Federal-aid highway funds shall be expended for the construction, reconstruction or improvement of any such toll bridge or tunnel, except to the extent permitted by law on or after June 29, 1956.

(c) **【Approaches having other use.—】**Funds authorized under prior Acts for expenditure on any of the Federal-aid highway systems, including the Interstate System, shall be available for expenditure on projects approaching any toll road, bridge or tunnel to a point where such project will have some use irrespective of its use for such toll road, bridge or tunnel.

(d) **【Approaches having no other use.—】**Funds authorized for the Interstate System shall be available for expenditure on Interstate System projects approaching any toll road on the Interstate System, although the project has no use other than an approach to such toll road, if an agreement satisfactory to the Secretary has been reached with the State prior to the approval of such project—

(1) that the section of toll road will become free to the public upon the collection of tolls sufficient to liquidate the cost of the toll road or any bonds outstanding at the time constituting a valid lien against such section of toll road covered in the agree-

ment and their maintenance and operation and debt service during the period of toll collections, and

(2) that there is one or more reasonably satisfactory alternate free routes available to traffic by which the toll section of the system may be bypassed.

### **§ 130. Railway-highway crossings**

(a) Except as provided in subsection (d) of section 120 of this title and subsection (b) of this section, the entire cost of construction of projects for the elimination of hazards of railway-highway crossings, including the separation or protection of grades at crossings, the reconstruction of existing railroad grade crossing structures, and the relocation of highways to eliminate grade crossings, may be paid from sums apportioned in accordance with section 104 of this title. In any case when the elimination of the hazards of a railway-highway crossing can be **affected** *effected* by the relocation of a portion of a railway at a cost estimated by the Secretary to be less than the cost of such elimination by one of the methods mentioned in the first sentence of this section, then the entire cost of such relocation project, except as provided in subsection (d) of section 120 of this title and subsection (b) of this section, may be paid from sums apportioned in accordance with section 104 of this title.

(b) The Secretary may classify the various types of projects involved in the elimination of hazards of railway-highway crossings, and may set for each such classification a percentage of the costs of construction which shall be deemed to represent the net benefit to the railroad *or railroads* for the purpose of determining the railroad's share of the cost of construction. The percentage so determined shall in no case exceed 10 per centum. The Secretary shall determine the appropriate classification of each project.

(c) Any railroad involved in a project for the elimination of hazards of railway-highway crossings paid for in whole or in part from sums made available for expenditure under this title, or prior Acts, shall be liable to the United States for the net benefit to the railroad determined under the classification of such project made pursuant to subsection (b) of this section. Such liability to the United States may be discharged by direct payment to the State highway department of the State in which the project is located, in which case such payment shall be credited to the cost of the project. Such payment may consist in whole or in part of materials and labor furnished by the railroad in connection with the construction of such



project. If any such railroad fails to discharge such liability within a six-month period after completion of the project, it shall be liable to the United States for its share of the cost, and the Secretary shall request the Attorney General to institute proceedings against such railroad for the recovery of the amount for which it is liable under this subsection. The Attorney General is authorized to bring such proceedings on behalf of the United States, in the appropriate district court of the United States, and the United States shall be entitled in such proceedings to recover such sums as it is considered and adjudged by the court that such railroad is liable for in the premises. Any amounts recovered by the United States under this subsection shall be credited to miscellaneous receipts.

### **§ 131. Areas adjacent to the Interstate System**

(a) **【National policy.—】**To promote the safety, convenience, and enjoyment of public travel and the free flow of interstate commerce and to protect the public investment in the National System of Interstate and Defense Highways, it is declared to be in the public interest to encourage and assist the States to control the use of and to improve areas adjacent to the Interstate System by controlling the erection and maintenance of outdoor advertising signs, displays, and devices adjacent to that system. It is declared to be a national policy that the erection and maintenance of outdoor advertising signs, displays, or devices within six hundred and sixty feet of the edge of the right-of-way and visible from the main-traveled way of all portions of the Interstate System constructed upon any part of right-of-way, the entire width of which is acquired subsequent to July 1, 1956, should be regulated, consistent with national standards to be prepared and promulgated by the Secretary, which shall include only the following four types of signs, and no signs advertising illegal activities:

(1) Directional or other official signs or notices that are required or authorized by law.

(2) Signs advertising the sale or lease of the property upon which they are located.

(3) Signs erected or maintained pursuant to authorization or permitted under State law, and not inconsistent with the national policy and standards of this section, advertising activities being conducted at a location within twelve miles of the point at which such signs are located.

(4) Signs erected or maintained pursuant to authorization in State law and not inconsistent with the national policy and stand-

ards of this section, and designed to give information in the specific interest of the traveling public.

(b) **【Agreements.—】**The Secretary of Commerce is authorized to enter into agreements with State highway departments (including such supplementary agreements as may be necessary) to carry out the national policy set forth in subsection (a) of this section with respect to the Interstate System within the State. Any such agreement shall include provisions for regulation and control of the erection and maintenance of advertising signs, displays, and other advertising devices in conformity with the standards established in accordance with subsection (a) of this section and may include, among other things, provisions for preservation of natural beauty, prevention of erosion, landscaping, reforestation, development of viewpoints for scenic attractions that are accessible to the public without charge, and the erection of markers, signs, or plaques, and development of areas in appreciation of sites of historical significance. Upon application of the State, any such agreement may, within the discretion of the Secretary of Commerce, consistent with the national policy, provide for excluding from application of the national standards segments of the Interstate System which traverse incorporated municipalities wherein the use of real property adjacent to the Interstate System is subject to municipal regulation or control, or which traverse other areas where the land use is clearly established by State law as industrial or commercial**【: *Provided, however, That*】**, and any such segment excluded from the application of such standards shall not be considered in computing the increase of the Federal share payable on account thereof.

(c) **【Federal share.—】**Notwithstanding the provisions of section 109 of this title, if an agreement pursuant to this section has been entered into with any State prior to July 1, 1961, the Federal share payable on account of any project on the Interstate System within that State provided for by funds authorized under the provisions of section 108 (b) of the Federal-Aid Highway Act of 1956, as amended by section 8 of the Federal-Aid Highway Act of 1958, to which the national policy and the agreement apply, shall be increased by one-half of one per centum of the total cost thereof, not including any additional cost that may be incurred in the carrying out of the **【agreement: *Provided, That the*】** agreement. The increase in the Federal share which is payable hereunder shall be paid only from appropriations from moneys in the Treasury not otherwise appropriated, which such appropriations are hereby authorized.

(d) **【Cooperation with other agencies.—】**Whenever any portion of the Interstate System is located upon or adjacent to any public lands or reservations of the United States, the Secretary of Commerce may make such arrangements and enter into such agreements with the agency having jurisdiction over such lands or reservations as may be necessary to carry out the national policy set forth in subsection (a) of this section, and any such agency is authorized and directed to cooperate fully with the Secretary of Commerce in this connection.

(e) **【Cost of acquisition of right to advertise or regulate advertising.—】**Whenever a State shall acquire by purchase or condemnation the right to advertise or regulate advertising in an area adjacent to the right-of-way of a project on the Interstate System for the purpose of implementing this section, the cost of such acquisition shall be considered as a part of the cost of construction of such project and Federal funds may be used to pay the Federal pro rata share of such **【cost: *Provided*, That reimbursement】** cost. *Reimbursement* to the State shall be made only with respect to that portion of such cost which does not exceed 5 per centum of the cost of the right-of-way for such project.

## CHAPTER 2—OTHER HIGHWAYS

Sec.

- 201. Authorizations.
- 202. Apportionment or allocation.
- 203. Availability of funds.
- 204. Forest highways.
- 205. Forest development roads and trails.
- 206. Park roads and trails.
- 207. Parkways.
- 208. Indian reservation roads.
- 209. Public lands highways.
- 210. Defense access roads.
- 211. Timber access road hearings.
- 212. Inter-American Highway.
- 213. Rama Road.

### § 201. Authorizations

The provisions of this title shall apply to all unappropriated authorizations contained in prior Acts, and also to all unexpended appropriations heretofore made, providing for the expenditure of Federal funds on the following classes of highways: Forest highways, forest development roads and trails, park roads and trails, parkways, Indian reservation roads, public lands highways, and defense access roads. All such authorizations and appropriations shall continue in full force and effect, but hereafter obligations entered into and expenditures made pursuant thereto shall be subject to the provisions of this title.



### § 202. Apportionment or allocation

(a) On or before January 1 next preceding the commencement of each fiscal year, the Secretary shall apportion the sums authorized to be appropriated for such fiscal year for forest highways in the several States, according to the area and value of the land owned by the United States within the national forests therein, which the Secretary of Agriculture is directed to determine and certify to the Secretary from such information, sources, and departments as the Secretary of Agriculture may deem most accurate.

(b) Sums authorized to be appropriated for forest development roads and trails shall be allocated by the Secretary of Agriculture according to the relative needs of the various national forests, taking into consideration the existing transportation facilities, value of timber or other resources served, relative fire danger, and comparative difficulties of road and trail construction.

(c) Sums authorized to be appropriated for public lands highways shall be allocated by the Secretary among those States having [more than 5 per centum of their area in] unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations, on the basis of need in such States, respectively, as determined by the Secretary upon application of the State highway departments of the respective States. Preference shall be given to those projects which are located on a Federal-aid system.

### § 203. Availability of funds

Funds now authorized for forest highways, forest development roads and trails, park roads and trails, parkways, Indian reservation roads, and public lands highways shall be available for contract upon apportionment, or a date not earlier than one year preceding the beginning of the fiscal year for which authorized if no apportionment is required. Any amount remaining unexpended for a period of two years after the close of the fiscal year for which authorized shall lapse. The Secretary of the Department charged with the administration of such funds is granted authority to incur obligations, approve projects, and enter into contracts under such authorizations and his action in doing so shall be deemed a contractual obligation of the United States for the payment of the cost thereof and such funds shall be deemed to have been expended when so obligated. Any funds heretofore or hereafter authorized for any fiscal year for forest highways, forest development roads and trails, park roads and trails, parkways, Indian roads, and public lands highways shall be deemed to have been expended if a sum equal to the total of the sums author-

ized for such fiscal year and previous fiscal years since and including the fiscal year ending June 30, 1955, shall have been obligated. Any of such funds released by payment of final voucher or modification of project authorizations shall be credited to the balance of unobligated authorizations and be immediately available for expenditure.

#### **§ 204. Forest highways**

(a) Funds available for forest highways shall be used by the Secretary to pay for the cost of construction and maintenance thereof. In connection therewith, the Secretary may enter into construction contracts and such other contracts with a State, or civil subdivision thereof as he deems advisable.

(b) Cooperation of States, counties, or other local subdivisions, may be accepted but shall not be required by the Secretary.

(c) Construction estimated to cost \$5,000 or more per mile, exclusive of bridges, shall be advertised and let to contract. If such estimated cost is less than \$5,000 per mile or if, after proper advertising, no acceptable bid is received or the bids are deemed excessive, the work may be done by the Secretary on his own account. For such purpose, the Secretary may purchase, lease, hire, rent, or otherwise obtain all necessary supplies, materials, tools, equipment, and facilities required to perform the work, and may pay wages, salaries, and other expenses for help employed in connection with such work.

(d) All appropriations for forest highways shall be administered in conformity with regulations jointly approved by the Secretary and the Secretary of Agriculture.

(e) The Secretary shall transfer to the Secretary of Agriculture from appropriations for forest highways such amounts as may be needed to cover necessary administrative expenses of the Forest Service in connection with the forest-highway program.

(f) Funds available for forest highways shall be available for adjacent vehicular parking areas and for sanitary, water, and fire control facilities.

#### **§ 205. Forest development roads and trails**

(a) Funds available for forest development roads and trails shall be used by the Secretary of Agriculture to pay for the cost of construction and maintenance thereof, including roads and trails, on experimental areas under Forest Service administration. In connection therewith, the Secretary of Agriculture may enter into construction contracts with a State or civil subdivision thereof, and issue such regulations as he deems advisable.

(b) Cooperation of States, counties, or other local subdivisions may be accepted but shall not be required by the Secretary of Agriculture.

(c) Construction estimated to cost \$10,000 or more per mile, exclusive of bridges, shall be advertised and let to contract. If such estimated cost is less than \$10,000 per mile or if, after proper advertising, no acceptable bid is received or the bids are deemed excessive, the work may be done by the Secretary of Agriculture on his own account. For such purpose, the Secretary of Agriculture may purchase, lease, hire, rent, or otherwise obtain all necessary supplies, materials, tools, equipment, and facilities required to perform the work, and may pay wages, salaries, and other expenses for help employed in connection with such work.

(d) Funds available for forest development roads and trails shall be available for adjacent vehicular parking areas and for sanitary, water, and fire control facilities.

#### **§ 206. Park roads and trails**

(a) Funds available for park roads and trails shall be used to pay for the cost of construction and improvement thereof.

(b) Appropriations for the construction and improvement of park roads shall be administered in conformity with regulations jointly approved by the Secretary and the Secretary of the Interior.

#### **§ 207. Parkways**

(a) Funds available for parkways shall be used to pay for the cost of construction and improvement thereof.

(b) Appropriations for the construction of parkways shall be administered in conformity with regulations jointly approved by the Secretary and the Secretary of the Interior.

(c) The location of parkways upon public lands, national forests, or other Federal reservations, shall be determined by agreement between the department having jurisdiction over such lands and the Secretary of the Interior.

#### **§ 208. Indian reservation roads**

(a) Funds available for Indian reservation roads and bridges shall be used to pay for the cost of construction and improvement thereof.

(b) The Secretary shall approve the location, type, and design of all projects for Indian reservation roads and bridges before any expenditures are made thereon and all construction thereof shall be under the general supervision of the Secretary.

(c) Indian labor may be employed in such construction and improvement under such rules and regulations as may be prescribed by the Secretary of the Interior.



**§ 209. Public lands highways**

(a) Funds available for public lands highways shall be used by the Secretary to pay for the cost of construction and maintenance thereof.

(b) The Secretary is authorized to cooperate with the State highway departments and with the Secretary of the Department having jurisdiction over the particular lands, in the survey, construction, and maintenance of public lands highways.

(c) The provisions of section 112 of this title are applicable to public lands highways.

**§ 210. Defense access roads**

(a) The Secretary is authorized, out of the funds appropriated for defense access roads, to provide for the construction and maintenance of defense access roads (including bridges, tubes, and tunnels thereon) to military reservations, to defense industries and defense industry sites, and to the sources of raw materials when such roads are certified to the Secretary as important to the national defense by the Secretary of Defense or such other official as the President may designate, and for replacing existing highways and highway connections that are shut off from the general public use by necessary closures or restrictions at military reservations and defense industry sites.

(b) Funds appropriated for the purposes of this section shall be available, without regard to apportionment among the several States, for paying all or any part of the cost of the construction and maintenance of defense access roads.

(c) Not exceeding \$5,000,000 of any funds appropriated under the Act approved October 16, 1951 (65 Stat. 422), may be used by the Secretary in areas certified to him by the Secretary of Defense as maneuver areas for such construction, maintenance, and repair work as may be necessary to keep the highways therein, which have been or may be used for training of the Armed Forces, in suitable condition for such training purposes and for repairing the damage caused to such highways by the operations of men and equipment in such training.

(d) Whenever any project for the construction of a circumferential highway around a city or of a radial intracity route thereto submitted by any State is certified by the Secretary of Defense, or such other official as the President may designate, as being important for civilian or military defense, such project may be constructed out of the funds heretofore or hereafter authorized to be appropriated for defense access roads.

(e) If the Secretary shall determine that the State highway department of any State is unable to obtain possession and the right to enter upon and use the required rights-of-way, lands, or interest in lands, improved or unimproved, required for any project authorized by this section with sufficient promptness, the Secretary is authorized to acquire, enter upon, take possession thereof, and expend funds for projects thereon, prior to approval of title by the Attorney General, in the name of the United States, such rights-of-way, lands, or interest in lands as may be required in such State for such projects by purchase, donation, condemnation, or otherwise in accordance with the laws of the United States (including the Act of February 26, 1931; 46 Stat. 1421). The cost incurred by the Secretary in acquiring any such rights-of-way, lands, or interest in lands may include the cost of examination and abstract of title, certificate of title, advertising, and any fees incidental to such acquisition; and shall be payable out of the funds available for paying the cost or the Federal share of the cost of the project for which such rights-of-way, lands, or interests in lands are acquired. The Secretary is further authorized and directed by proper deed executed in the name of the United States to convey any lands or interests in lands acquired in any State under the provisions of prior Acts or of this section to the State highway department of such State or to such political subdivision thereof as its laws may provide, upon such terms and conditions as may be agreed upon by the Secretary and the State highway department, or political subdivisions to which the conveyance is to be made.

(f) The provisions of section 112 of this title are applicable to defense access roads.

#### **§ 211. Timber access road hearings**

With respect to any proposed construction of a timber access road from funds authorized for carrying out the provisions of sections 204, 205, and 210 of this title, advisory public hearings may be held at a place of convenient or adjacent to the area of construction with notice and reasonable opportunity for interested persons to present their views as to the practicability and feasibility of such construction.

#### **§ 212. Inter-American Highway**

(a) Funds appropriated for the Inter-American Highway shall be used to enable the United States to cooperate with the Governments of the American Republics situated in Central America—that is, with the Governments of the Republic of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama—in the survey and con-

struction of the Inter-American Highway within the borders of the aforesaid Republics, respectively. Not to exceed one-third of the appropriation authorized for each fiscal year may be expended without requiring the country or countries in which such funds may be expended to match any part thereof, if the Secretary of State shall find that the cost of constructing said highway in such country or countries will be beyond their reasonable capacity to bear. The remainder of such authorized appropriations shall be available for expenditure only when matched to the extent required by this section by the country in which such expenditure may be made. Expenditures from the funds available on a matching basis shall not be made for the survey and construction of any portion of said highway within the borders of any country named herein unless such country shall provide and make available for expenditure in conjunction therewith a sum equal to at least one-third of the expenditures that may be incurred by that Government and the United States on such portion of the highway. All expenditures by the United States under the provisions of this section for material, equipment, and supplies shall, whenever practicable, be made for products of the United States or of the country in which such survey or construction work is being carried on. Construction work to be performed under contract shall be advertised for a reasonable period by the Minister of Public Works, or other similar official, of the government concerned in each of the participating countries and contracts shall be awarded pursuant to such advertisements with the approval of the Secretary. No part of the appropriations authorized shall be available for obligation or expenditure for work on said highway in any cooperating country unless the government of said country shall have assented to the provisions of this section; shall have furnished satisfactory assurances that it has an organization adequately qualified to administer the functions required of such country under the provisions hereof; and then only as such country may submit requests, from time to time, for the construction of any portion of the highway to standards adequate to meet present and future traffic needs. No part of said appropriations shall be available for obligation or expenditure in any such country until the government of that country shall have entered into an agreement with the United States which shall provide, in part, that said country—

- (1) will provide, without participation of funds authorized, all necessary rights-of-way for the construction of said highway, which rights-of-way shall be of a minimum width where prac-



licable of one hundred meters in rural areas and fifty meters in municipalities and shall forever be held inviolate as a part of the highway for public use;

(2) will not impose any highway toll, or permit any such toll to be charged, for use by vehicles or persons of any portion of said highway constructed under the provisions of this section;

(3) will not levy or assess, directly or indirectly, any fee, tax, or other charge for the use of said highway by vehicles or persons from the United States that does not apply equally to vehicles or persons of such country;

(4) will continue to grant reciprocal recognition of vehicle registration and drivers' licenses in accordance with the provisions of the Convention for the Regulation of Inter-American Automotive Traffic, which was opened for signature at the Pan American Union in Washington on December 15, 1943, and to which such country and the United States are parties, or of any other treaty or international convention establishing similar reciprocal recognition; and

(5) will provide for the maintenance of said highway after its completion in condition adequately to serve the needs of present and future traffic.

(b) The survey and construction work authorized by this section shall be under the administration of the Secretary, who shall consult with the appropriate officials of the Department of State with respect to matters involving the foreign relations of this Government, and such negotiations with the Governments of the American Republics named in subsection (a) of this section as may be required to carry out the purposes of this section shall be conducted through, or as authorized by, the Department of State.

(c) The provisions of this section shall not create nor authorize the creation of any obligations on the part of the Government of the United States with respect to any expenditures for highway construction or survey heretofore or hereafter undertaken in any of the countries enumerated in subsection (a) of this section, other than the expenditures authorized by the provisions of this section.

(d) Appropriations made pursuant to any authorizations heretofore, or hereafter enacted for the Inter-American Highway shall be considered available for expenditure by the Secretary for necessary administrative and engineering expenses in connection with the Inter-American Highway program.

### § 213. Rama Road

(a) Recognizing the mutual benefits that will accrue to the Republic of Nicaragua and to the United States from the completion of the road from San Benito to Rama in said Republic of Nicaragua, the construction of which road was begun and partially completed pursuant to an agreement between said Republic and the United States, the Secretary is authorized out of the funds appropriated for such purposes to provide for the construction of such road. Appropriations made for such purposes shall remain available until expended. No expenditure shall be made hereunder for the construction of said road until a request therefor shall have been received by the Secretary of State from the Government of the Republic of Nicaragua nor until an agreement shall have been entered into by said Republic with the the Secretary of State which shall provide, in part, that said Republic—

(1) will provide, without participation of funds authorized under this title, or under prior Acts, all necessary right-of-way for the construction of said highway, which right-of-way shall be of a minimum width, where practicable, of one hundred meters in rural areas and fifty meters in municipalities and shall forever be held inviolate as a part of the highway for public use;

(2) will not impose any highway toll, or permit any such toll to be charged for the use of said highway by vehicles or persons;

(3) will not levy or assess, directly or indirectly, any fee, tax, or other charge for the use of said road by vehicles or persons from the United States that does not apply equally to vehicles or persons of such Republic;

(4) will continue to grant reciprocal recognition of vehicle registration and drivers' licenses in accordance with the provisions of the Convention for the Regulation of Inter-American Automotive Traffic, which was opened for signature at the Pan American Union in Washington on December 15, 1943, and to which such Republic and the United States are parties; or any other treaty or international convention establishing similar reciprocal recognition; and

(5) will maintain said road after its completion in proper condition adequately to serve the [neds] *needs* of present and future traffic.

(b) The funds appropriated for such purposes shall be available for expenditure in accordance with the terms of this section for the

survey and construction of said road from San Benito to Rama in the Republic of Nicaragua without being matched by said Republic, and all expenditures made under the provisions of this section for materials, equipment, and supplies, shall, whenever practicable, be made for products of the United States or of the Republic of Nicaragua.

(c) The survey and construction work undertaken pursuant to this section shall be under the general supervision of the Secretary.

### CHAPTER 3. GENERAL PROVISIONS

Sec.

- 301. Freedom from tolls.
- 302. State highway department.
- 303. Bureau organization.
- 304. Participation by small-business enterprises.
- 305. Archeological and paleontological salvage.
- 306. Mapping.
- 307. Research and planning.
- 308. Cooperation with Federal and State agencies and foreign countries.
- 309. Cooperation with other American Republics.
- 310. Civil Defense.
- 311. Highway improvements strategically important to the national defense.
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- 314. Relief of employees in hazardous work.
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- 316. Rules, regulations, and recommendations.
- 317. Consent by United States to conveyance of property.
- 318. Appropriation for highway purposes of lands or interests in lands owned by the United States.
- 319. Highway relocation due to airport.
- 320. Landscaping.
- 321. Bridges on Federal dams.

#### ✓ § 301. Freedom from tolls

Except as provided in section 129 of this title with respect to certain toll bridges and toll tunnels, all highways constructed under the provisions of this title shall be free from tolls of all kinds.

#### § 302. State highway department

(a) Any State desiring to avail itself of the provisions of this title shall have a State highway department which shall have adequate powers, and be suitably equipped and organized to discharge to the satisfaction of the Secretary the duties required by this title. Among other things, the organization shall include a secondary road unit.

(b) The State highway department may arrange with a county or group of counties for competent highway engineering personnel suitably organized and equipped to the satisfaction of the State highway department, to supervise construction and maintenance on a county-unit or group-unit basis, for the construction of projects on the Federal-aid secondary system, financed with secondary funds, and for the maintenance thereof.



### § 303. Bureau organization

(a) The Bureau of Public Roads shall be in the Department of Commerce as a primary unit administered by the Federal Highway Administrator, appointed by the President by and with the advice and consent of the Senate. The Administrator shall receive basic compensation at the rate prescribed by law for Assistant Secretaries of executive departments and shall perform such duties as the Secretary of Commerce may prescribe or as may be required by law. There shall be a Commissioner of Public Roads in the Bureau of Public Roads who shall be appointed by the Secretary and perform such duties as may be prescribed by the Federal Highway Administrator. The Commissioner of Public Roads shall receive basic compensation at the rate of \$17,500 per annum.

(b) The Secretary is authorized to employ such assistants, clerks, and other persons in the city of Washington and elsewhere, to be taken from the eligible lists of the Civil Service Commission, to rent buildings outside of the city of Washington, to purchase such supplies, material, equipment, office fixtures and apparatus, to advertise in the city of Washington for work to be performed in areas adjacent thereto, and to incur, and authorize the incurring of, such travel and other expenses as he may deem necessary for carrying out the functions under this title.

(c) The Secretary is authorized to procure temporary services in accordance with the provisions of section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), but at rates for individuals not in excess of **[\$100 diem]** *\$100 per diem*.

### § 304. Participation by small business enterprises

It is declared to be in the national interest to encourage and develop the actual and potential capacity of small business and to utilize this important segment of our economy to the fullest practicable extent in construction of the Federal-aid highway systems, including the Interstate System. In order to carry out that intent and encourage full and free competition, the Secretary should assist, insofar as feasible, small business enterprises in obtaining contracts in connection with the prosecution of the highway program.

### § 305. Archeological and paleontological salvage

Funds authorized to be appropriated under the Federal-Aid Highway Act of 1956, to the extent approved as necessary by the highway department of any State, may be used for archeological and paleontological salvage in that State in compliance with the Act entitled "An

Act for the preservation of American antiquities", approved June 8, 1906 (34 Stat. 225), and State laws where applicable.

### **§ 306. Mapping**

In carrying out the provisions of this title, the Secretary may, wherever practicable, authorize the use of photogrammetric methods in mapping, and the utilization of commercial enterprise for such services.

### **§ 307. Research and planning**

(a) The Secretary is authorized in his discretion to engage in research on all phases of highway construction, modernization, development, design, maintenance, safety, financing, and traffic conditions, including the effect thereon of State laws and is authorized to test, develop, or assist in the testing and developing of any material, invention, patented article, or process. The Secretary may publish the results of such research. The Secretary may carry out the authority granted hereby, either independently, or in cooperation with any other branch of the Government, State agency, authority, association, institution, corporation (profit or nonprofit), or any other organization, or person. The funds required to carry out the provisions of this subsection shall be taken out of the administrative and research funds authorized by section 104 of this title and such funds as may be deposited in a special account with the Secretary of the Treasury for such purposes by any cooperating organization or person. The provisions of section 3709 of the Revised Statutes, as amended (41 U. S. C. 5), shall not be applicable to contracts or agreements made under the authority of this subsection.

(b) The Secretary shall include in the highway research program herein authorized studies of economic highway geometrics, structures, and desirable weight and size standards for vehicles using the public highways and of the feasibility of uniformity in State regulations with respect to such standards and he shall report from time to time to the Committees on Public Works of the Senate and of the House of Representatives on the progress and findings with respect to such studies.

(c) Not to exceed 1½ per centum of the sums apportioned for any year to any State under section 104 of this title shall be available for expenditure upon request of the State highway department, with the approval of the Secretary, with or without State funds, for engineering and economic surveys and investigations, for the planning of future highway programs and the financing thereof, for studies of the

economy, safety, and convenience of highway usage and the desirable regulation and equitable taxation thereof, and for research necessary in connection with the planning, design, construction, and maintenance of highways and highway systems, and the regulation and taxation of their use.

#### **§ 308. Cooperation with Federal and State agencies and foreign countries**

(a) The Secretary is authorized to perform by contract or otherwise, authorized engineering or other services in connection with the survey, construction, maintenance, or improvement of highways for other Government agencies, cooperating foreign countries, and State cooperating agencies, and reimbursement for such services, which may include depreciation on engineering and road-building equipment used, shall be credited to the appropriation concerned.

(b) Appropriations for the work of the Bureau of Public Roads shall be available for expenses of warehouse maintenance and the procurement, care, and handling of supplies, materials, and equipment for distribution to projects under the supervision of the Bureau of Public Roads, or for sale or distribution to other Government agencies, cooperating foreign countries, and State cooperating agencies, and the cost of such supplies and materials or the value of such equipment, including the cost of transportation and handling, may be reimbursed to current applicable appropriations.

#### **§ 309. Cooperation with other American Republics**

The President is authorized to utilize the services of the Bureau of Public Roads in fulfilling the obligations of the United States under the Convention on the Pan-American Highway Between the United States and Other American Republics (51 Stat. 152), cooperating with several governments, members of the Organization of American States, in connection with the survey and construction of the Inter-American Highway, and for performing engineering service in the other American Republics for and upon the request of any agency or governmental corporation of the United States. To the extent authorized in appropriation acts, administrative funds available in accordance with subsection (a) of section 104 of this title shall be available annually for the purpose of this section.

#### **§ 310. Civil defense**

In order to assure that adequate consideration is given to civil defense aspects in the planning and construction of highways constructed or reconstructed with the aid of Federal funds, the Secre-



tary of Commerce is authorized and directed to consult, from time to time, with the Federal Civil Defense Administrator relative to the civil defense aspects of highways so constructed or reconstructed.

**§ 311. Highway improvements strategically important to the national defense**

Funds made available under subsection (a) of section 104 of this title may be used to pay the entire engineering costs of the surveys, plans, specifications, estimates, and supervision of construction of projects for such urgent improvements of highways strategically important from the standpoint of the national defense as may be undertaken on the order of the Secretary and as the result of request of the Secretary of Defense or such other official as the President may designate. With the consent of a State, funds made available under subsection (b) of section 104 of this title may be used to the extent deemed necessary and advisable by the Secretary to carry out the provisions of this section.

**§ 312. Detail of Army, Navy, and Air Force officers**

The Secretary of Defense, upon request of the Secretary, is authorized to make temporary details to the Bureau of Public Roads of officers of the Army, the Navy, and the Air Force, without additional compensation, for technical advice and for consultation regarding highway needs for the national defense. Travel and subsistence expenses of officers so detailed shall be paid from appropriations available to the Department of Commerce on the same basis as authorized by law and by regulations of the Department of Defense for such officers.

**§ 313. Highway Safety Conference**

The Secretary is authorized and directed to assist in carrying out the action program of the President on highway safety, and to cooperate with the State highway departments and other agencies in this program to advance the cause of safety on highways. Not to exceed \$150,000 out of the administrative funds made available in accordance with subsection (a) of section 104 of this title may be expended annually for the purposes of this section.

**§ 314. Relief of employees in hazardous work**

The Secretary is authorized in an emergency to use appropriations to the Department of Commerce for carrying out the provisions of this title for medical supplies, services, and other assistance necessary for the immediate relief of employees of the Bureau of Public Roads engaged in hazardous work.

### **§ 315. Detail of employees as students**

During any fiscal year the Secretary is authorized in his discretion to detail not to exceed ten of the regularly employed personnel of the Bureau of Public Roads as students for limited periods at such technical institutions as will enable such personnel to acquire special knowledge which will better fit them for the lines of work to which they are assigned. No expense other than the salaries of such personnel and the cost of tuition and other regular fees required at such institutions shall be incurred by the Secretary under this section.

### **§ 316. Rules, regulations, and recommendations**

Except as provided in sections 204 (d), 205 (a), 206 (b), 207 (b), and 208 (c) of this title, the Secretary is authorized to prescribe and promulgate all needful rules and regulations for the carrying out of the provisions of this title. The Secretary may make such recommendations to the Congress and State highway departments as he deems necessary for preserving and protecting the highways and insuring the safety of traffic thereon.

### **§ 317. Consent by United States to conveyance of property**

For the purposes of this title the consent of the United States is given to any railroad or canal company to convey to the State highway department of any State, or its nominee, any part of its right-of-way or other property in that State acquired by grant from the United States.

### **§ 318. Appropriation for highway purposes of lands or interests in lands owned by the United States**

(a) If the Secretary ~~determines~~ *determines* that any part of the lands or interests in lands owned by the United States is reasonably necessary for the right-of-way of any highway, or as a source of materials for the construction or maintenance of any such highway adjacent to such lands or interests in lands, the Secretary shall file with the Secretary of the Department supervising the administration of such lands or interests in lands a map showing the portion of such lands or interests in lands which it is desired to appropriate.

(b) If within a period of four months after such filing, the Secretary of such Department shall not have certified to the Secretary that the proposed appropriation of such land or material is contrary to the public interest or inconsistent with the purposes for which such land or materials have been reserved, or shall have agreed to the appropriation and transfer under conditions which he deems necessary for the adequate protection and utilization of the reserve, then such land and materials may be appropriated and transferred to the State

highway department, or its nominee, for such purposes and subject to the conditions so specified.

(c) If at any time the need for any such lands or materials for such purposes shall no longer exist, notice of the fact shall be given by the State highway department to the Secretary and such lands or materials shall immediately revert to the control of the Secretary of the Department from which they had been appropriated.

(d) The provisions of this section shall apply only to projects constructed on a Federal-aid system or under the provisions of chapter 2 of this title.

**§ [319] 318. Highway relocation due to airport**

Federal highway funds shall not be used for the reconstruction or relocation of any highway giving access to an airport constructed or extended after December 20, 1944, or for the reconstruction or relocation of any highway which has been or may be closed or the usefulness of which has been or may be impaired by the location or construction of any airport constructed or extended after December 20, 1944, unless, prior to such construction or extension, as the case may be, the State highway department and the Secretary have concurred with the officials in charge of the airport that the location of such airport or extension thereof and the consequent reconstruction or relocation of the highway are in the public interest.

**§ [320] 319. Landscaping**

The construction of highways by the States with funds apportioned in accordance with section 104 of this title may include such roadside and landscape development, including such sanitary and other facilities as may be deemed reasonably necessary to provide for the suitable accommodation of the public, all within the highway right-of-way and adjacent publicly owned or controlled rest and recreational areas of limited size and with provision for convenient and safe access thereto by pedestrian and vehicular traffic, as may be approved by the Secretary. Such construction likewise may include the purchase of such adjacent strips of land of limited width and primary importance for the preservation of the natural beauty through which highways are constructed, as may be approved by the Secretary. Not to exceed 3 per centum of such sums, apportioned to a State in any fiscal year in accordance with section 104 of this title may be used by it for the purchase of such adjacent strips of land without being matched by such State.



### § [321] 320. Bridges on Federal dams

(a) Each executive department, independent establishment, office, board, bureau, commission, authority, administration, corporation wholly owned or controlled by the United States, or other agency of the Government of the United States, hereinafter collectively and individually referred to as "agency", which on or after July 29, 1946, has jurisdiction over and custody of any dam constructed or to be constructed and owned by or for the United States, is authorized, with any funds available to it, to design and construct any such dam in such manner that it will constitute and serve as a suitable and adequate foundation to support a public highway bridge upon and across such dam, and to design and construct upon the foundation thus provided a public highway bridge upon and across such dam. The highway department of the State in which such dam shall be located, jointly with the Secretary, shall first determine and certify to such agency that such bridge is economically desirable and needed as a link in the State or Federal-aid highway systems, and shall request such agency to design and construct such dam so that it will serve as a suitable and adequate foundation for a public highway bridge and to design and construct such public highway bridge upon and across such dam, and shall agree to reimburse such agency pursuant to subsection (d) of this section for any additional costs which it may be required to incur because of the design and construction of such dam so that it will serve as a foundation for a public highway bridge and for expenditures which it may find it necessary to make in designing and constructing such public highway bridge upon and across such dam. In no case shall the design and construction of a bridge upon and across such dam be undertaken hereunder except by the agency having jurisdiction over and custody of the dam, acting directly or through contractors employed by it, and after such agency shall determine that it will be structurally feasible and will not interfere with the proper functioning and operation of the dam.

(b) Construction of any bridge upon and across any dam pursuant to this section shall not be commenced unless and until the State in which such bridge is to be located, or the appropriate subdivision of such State, shall enter into an agreement with such agency and with the Secretary to construct, or cause to be constructed, with or without the aid of Federal funds, the approach roads necessary to connect such bridge with existing public highways and to maintain, or cause to be maintained, such approach roads from and after their completion.

Such agreement may also provide for the design and construction of such bridge upon and across the dam by such agency of the United States and for reimbursing such agency the costs incurred by it in the design and construction of the bridge as provided in subsection (d) of this section. Any such agency is hereby authorized to convey to the State, or to the appropriate subdivision thereof, without costs, such easements and rights-of-way in its custody or over lands of the United States in its custody and control as may be necessary, convenient, or proper for the location, construction, and maintenance of the approach roads referred to in this section including such roadside parks or recreational areas of limited size as may be deemed necessary for the accommodation of the traveling public. Any bridge constructed pursuant to this section upon and across a dam in the custody and jurisdiction of any agency of the United States, including such portion thereof, if any, as may extend beyond the physical limits of the dam, shall constitute and remain a part of said dam and be maintained by the agency. Any such agency may enter into any such contracts and agreements with the State or its subdivisions respecting public use of any bridge so located and constructed as may be deemed appropriate, but no such bridge shall be closed to public use by the agency except in cases of emergency or when deemed necessary in the interest of national security.

(c) All costs and expenses incurred and expenditures made by any agency in the exercise of the powers and authority conferred by this section (but not including any costs, expenses, or expenditures which would have been required in any event to satisfy a legal road or bridge relocation obligation or to meet operating or other agency needs) shall be recorded and kept separate and apart from the other costs, expenses, and expenditures of such agency, and no portion thereof shall be charged or allocated to flood control, navigation, irrigation, fertilized production, the national defense, the development of power, or other program, purpose, or function of such agency.

(d) Not to exceed \$10,000,000 of any money heretofore or hereafter appropriated for expenditure in accordance with the provisions of this title or prior Acts shall be available for expenditure by the Secretary in accordance with the provisions of this section, as an emergency fund, to reimburse any agency for any additional costs or expenditures which it may be required to incur because of the

design and construction of any such dam so that it will constitute and serve as a foundation for a public highway bridge upon and across such dam and to reimburse any such agency for any costs, expenses, or expenditures which it may be required to make in designing and constructing any such bridge upon and across a dam in accordance with the provisions of this section, except such costs, expenses, or expenditures as would have been required of such agency in any event to satisfy a legal obligation to relocate a highway or bridge or to meet operating or other agency needs, and there is authorized to be appropriated any sum or sums necessary to reimburse the funds so expended by the Secretary from time to time under the authority of this section. Of each bridge constructed upon and across a dam under the provisions of this section, there may be financed wholly with Federal funds that portion thereof which is located within the physical limits of the masonry structure, or structures, of the dam, and the Secretary shall in his sole discretion determine what additional portion of the bridge, if any, may be so financed, such determination to be final and conclusive. The remainder of the bridge, and any necessary related approach roads, shall be financed by the State or its appropriate subdivision with or without the aid of Federal funds; but said portion of the bridge so financed by the State or its subdivisions, including such portion thereof, if any, as may extend beyond the physical limits of the dam, shall nevertheless be designed and constructed solely by the agency having custody and jurisdiction of the dam as provided in subsection (a) of this section.

(e) In making, reviewing, or approving the design of any bridge or approach structure to be constructed under this section, the agency shall, in matters relating to roadway design, loadings, clearances and widths, and traffic safeguards, give full consideration to and be guided by the standards and advice of the Secretary.

(f) The authority conferred by this section shall be in addition to and not in limitation of authority conferred upon any agency by any other law, and nothing in this section contained shall affect or be deemed to relate to any bridge, approach structure, or highway constructed or to be constructed by any such agency in furtherance of its lawful purposes and requirements or to satisfy a legal obligation incurred independently of this section.



REPEAL OF PRIOR ACTS

SEC. 2. The following Acts and portion of Acts cited by reference to the Statutes at Large, except for the provisions and sections hereinafter excepted, are hereby repealed :

1. Act of July 11, 1916 (39 Stat., ch. 241, page 355).
2. Sections 5, 6, 7, 8, and 9 of Act of February 28, 1919 (40 Stat., ch. 60, page 1189 at 1200-1202).
3. Act of November 9, 1921 (42 Stat., ch. 119, page 212).
4. Section 4 of Act of June 19, 1922 (42 Stat., ch. 227, page 652 at 660-661).
5. Section 1 of Act of March 10, 1924 (43 Stat., ch. 46, page 17).
6. Act of February 12, 1925 (43 Stat., ch. 219, page 889).
7. Act of June 22, 1926 (44 Stat., ch. 648, page 760).
8. Act of March 3, 1927 (44 Stat., ch. 370, page 1398).
9. Act of May 21, 1928 (45 Stat., ch. 660, page 683).
10. Act of May 26, 1928 (45 Stat., ch. 755, page 750).
11. Act of April 4, 1930 (46 Stat., ch. 105, page 141).
12. Act of May 5, 1930 (46 Stat., ch. 226, page 261).
13. Act of June 24, 1930 (46 Stat., ch. 593, page 805).
14. Act of February 20, 1931 (46 Stat., ch. 231, page 1173).
15. Act of February 23, 1931 (46 Stat., ch. 283, page 1415).
16. Section 304 of Act of July 21, 1932 (47 Stat., ch. 520, page 709 at 722).
17. Subsection (g) of section 204 of Act of June 16, 1933 (48 Stat., ch. 90, page 195 at 204).
18. Act of June 18, 1934 (48 Stat., ch. 586, page 993).
19. Act of June 16, 1936 (49 Stat., ch. 582, page 1519).
20. Act of June 23, 1936 (49 Stat., ch. 730, page 1891).
21. Act of June 8, 1938 (52 Stat., ch. 328, page 633), except the following provision : Section 4 thereof.
22. Act of July 19, 1939 (53 Stat., ch. 328, page 1066).
23. Act of September 5, 1940 (54 Stat., ch. 715, page 867).
24. Act of November 19, 1941 (55 Stat., ch. 474, page 765).
25. Act of July 2, 1942 (56 Stat., ch. 474, page 562).
26. Act of July 13, 1943 (57 Stat., ch. 236, page 560), except the following provision : Subsection (a) of section 7 thereof.

27. Act of April 4, 1944 (58 Stat., ch. 164, page 189).

28. Act of December 20, 1944 (58 Stat., ch. 626, page 838).

29. Act of July 31, 1945 (59 Stat., ch. 333, page 507).

30. Act of July 29, 1946 (60 Stat., ch. 694, page 709).

31. Act of June 21, 1947 (61 Stat., ch. 114, page 136).

32. Act of June 29, 1948 (62 Stat., ch. 732, page 1105).

33. Act of September 7, 1950 (64 Stat. 785).

34. Act of October 15, 1951 (65 Stat., ch. 501, page 421), except the following provision: Section 1 thereof.

35. Act of October 16, 1951 (65 Stat., ch. 507, page 422).

36. Act of June 25, 1952 (66 Stat., ch. 462, page 158), except the following provisions:

(a) The first two paragraphs of section 1;

(b) The first sentence of section 2;

(c) In section 3 in the first sentence the following words: "For the purpose of carrying out the provisions of section 23 of the Federal Highway Act (42 Stat. 218), as amended and supplemented, there is hereby authorized to be appropriated (1) for forest highways the sum of \$22,500,000 for the fiscal year ending June 30, 1954, and a like sum for the fiscal year ending June 30, 1955, and (2) for forest development roads and trails the sum of \$22,500,000 for the fiscal year ending June 30, 1955.";

(d) In subsection (a) of section 4 the following words: "For the construction, reconstruction, and improvement of roads and trails, inclusive of necessary bridges, in national parks, monuments, and other areas administered by the National Park Service, including areas authorized to be established as national parks and monuments, and national park and monument approach roads authorized by the Act of January 31, 1931 (46 Stat. 1053), as amended, there is hereby authorized to be appropriated the sum of \$10,000,000 for the fiscal year ending June 30, 1955.";

(e) Subsection (b) of section 4;

(f) In subsection (c) of section 4 the following words: "For the construction, improvement, and maintenance of Indian reservation roads and bridges and roads and bridges to provide access to Indian reservations and Indian lands under the provisions of the Act approved May 26, 1928 (45 Stat. 750), there is hereby authorized to be appropriated the sum of \$10,000,000 for the fiscal year ending June 30, 1955.";

(g) In the first sentence of section 5 the following words: "Recognizing the mutual benefits that will accrue to the Republic of Nica-

ragua and to the United States from the completion of the road from San Benito to Rama in said Republic of Nicaragua, the construction of which road was begun and partially completed pursuant to an agreement between said Republic and the United States, there is hereby authorized to be appropriated \$2,000,000 for the fiscal year ending June 30, 1954, for the construction of such road, to be available until expended.”;

(h) The first sentence of section 6;

(i) In section 8 the following words: “For the purpose of carrying out the provisions of section 10 of the Federal-Aid Highway Act of 1950 (64 Stat. 785), there is hereby authorized to be appropriated for the survey, construction, reconstruction, and maintenance of main roads through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations the sum of \$2,500,000 for the fiscal year ending June 30, 1955, to remain available until expended.”

(j) Section 10 to the first proviso.

37. Act of May 6, 1954 (68 Stat., ch. 181, page 70), except the following provisions:

(a) The first two paragraphs of section 1;

(b) The last five provisos of section 1;

(c) The first sentence of subsection (a) of section 2;

(d) The first sentence of section 3 to the word “*Provided*”;

(e) Section 4 to the word “*Provided*”;

(f) Section 5;

(g) The first sentence of section 7;

(h) Section 8 to the word “*Provided*”;

(i) Section 14;

(j) Section 18; and

(k) Section 22.

38. Title I of the Act of June 29, 1956 (70 Stat. 374), except the following provisions:

(a) Subsection (a) (1) (2) of section 102;

(b) The first sentence of section 103 (a) to the word “*Provided*”;

(c) Section 104 (a), section 104 (b) and section 104 (c), to the word “*Provided*”;

(d) Section 105;

(e) Subsections (b), (c) and (d) of section 107;

(f) Section 108 (b) and (c);

(g) Section 108 (k);

(h) Section 114;



- (i) Section 117; and
- (j) The last proviso of section 118.

39. Sections 1 and 3 of the Act approved August 3, 1956 (70 Stat. 990).

40. Act of April 16, 1958 (72 Stat. 89) except the following provisions:

- (a) Subsection (a) (1) (2) of section 1;
- (b) Section 2;
- (c) The first sentence of section 3 (a) to the word "*Provided*" and the third, fourth and fifth provisos;
- (d) Subsection (b) of section 3;
- (e) Section 4 (a), section 4 (b) and section 4 (c) to the word "*Provided*";
- (f) Section 5;
- (g) Section 7;
- (h) Section 8; and
- (i) Section 9.

#### CONSTRUCTION

SEC. 3. (a) If any provision of title 23, as enacted by section 1 of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the title and the application of the provision to other persons or circumstances shall not be affected thereby.

(b) The provisions of this Act shall be subject to Reorganization Plan Numbered 5 of 1950 (64 Stat. 1263).

#### SAVINGS CLAUSE

SEC 4. Any rights or liabilities now existing under prior Acts or portions thereof shall not be affected by the repeal of such prior Acts or portions under section 2 of this Act.

#### REPORT AND RECOMMENDATIONS

SEC. 5. The Secretary of Commerce is hereby directed to submit to the Congress not later than February 1, 1959, a report on the progress made in attaining the objectives set forth in section 101 of title 23, as enacted by section 1 of this Act, together with recommendations.







85TH CONGRESS  
2D SESSION

S. 3953

[Report No. 1928]

A BILL

To revise, codify, and enact into law, title 23  
of the United States Code, entitled "High-  
ways".

By Mr. Case of South Dakota

JUNE 6, 1958

Read twice and referred to the Committee on  
Public Works

JULY 23, 1958

Reported with amendments







*Senate July 28, 1958*

authorizing delayed payments and variable repayment formulas under the administration of the Secretary of the Interior. This bill will now be sent to the President. p. 13933

Passed as reported S. 3448, to permit the Secretary of the Interior to authorize increases in the 160-acre limitation on the Seedskadee Reclamation Project on the basis of a formula assessing the value of the land in 4 classes. pp. 13932-3

16. RIVER COMPACT. Passed as reported H. R. 6701, to grant the consent of Congress to the Tennessee River Basin Water Pollution Control Compact. p. 13942
17. WATER RESOURCES. Agreed to as reported S. Res. 248, to authorize a continuation of the joint Public Works-Interior and Insular Affairs Committees study on the relationship of the U. S., U. S. S. R., and Communist China water resource development programs. Sen. Watkins inserted his views attached to the Committee report on the bill. pp. 13935-8
18. BUDGETING. At the request of Sen. Talmadge, passed over H. R. 8002, the accrued expenditures budgeting bill. p. 13922
19. HIGHWAYS. At the request of Sen. Hruska, passed over S. 3953, to revise, codify and enact title 23 of the U. S. Code, "Highways," after Sen. Talmadge requested that the language of the Senate bill be substituted in the similar House bill, H. R. 12776. p. 13938
20. MONOPOLIES. The Judiciary Committee reported with amendment S. 11, to amend the Robinson-Patman Act with reference to equality of opportunity (S. Rept. 2010). p. 14011
21. WATER DEVELOPMENT. The Interstate and Foreign Commerce Committee reported without amendment H. R. 13138, to amend the Coordination Act so as to provide more effective integration of fish and wildlife conservation programs with Federal water development programs (S. Rept. 1981). p. 13906  
Sen. Wiley urged that wildlife project funds under the Pittman-Robertson Act be distributed on the basis of licenses issued as provided in S. 4043, and inserted letters from the Midwest Fish and Game Commissioners supporting the bill. pp. 13919-21
22. ECONOMIC SITUATION. Sen. Goldwater inserted a tabulation showing the growth of the economy of Ariz. and a news article on the improving state of the economy. pp. 13912-13
23. FOREIGN TRADE. Sen. Neuberger inserted his article urging free trade between the U. S. and Canada. pp. 13916-17
24. LEGISLATIVE PROGRAM. Sen. Johnson announced that following the vote on S. 4100, the industrial uses research bill, the Senate would consider H. R. 8308, to provide for the humane slaughter of livestock. p. 14007

#### ITEMS IN APPENDIX

25. BUDGETING. Sen. Proxmire inserted two editorials in support of H. R. 8002, the accrued expenditures budgeting bill. pp. A6723-4
26. FORESTRY. Extension of remarks of Sen. Neuberger stating that "the greatest cathedral or temple anywhere on earth is in the magnificent American outdoors," and inserting several articles describing the holding of church services in the national parks. pp. A6724-5

Rep. Libonati urged enactment of his bill, H. R. 12778, which would establish a Youth Camp Recreation Commission. pp. A6762-3

27. ETHICS. Sen. Humphrey inserted Sen. Neuberger's article, "When Influence Is Good--and Bad," suggesting a code of ethics to help subdue and discourage the "harmful and illegitimate" use of influence in Government. pp. A6727-9
28. ELECTRIFICATION. Extension of remarks of Rep. Weaver reviewing Hells Canyon legislation. pp. A6733-4  
Rep. Evins inserted 2 articles, "TVA: Model for Democracy in Action Around the World," and "Foreign Visitors to TVA." pp. A6737-9, A6741-2
29. STATEHOOD. Del. Burns inserted an article favoring statehood for Hawaii. p. A6736
30. WATER RESOURCES. Rep. Blatnik inserted an article, "Cleaning Up Our Water," which gives a concise and detailed explanation of the Federal water pollution control program. pp. A6739-41
31. FLAG. Extension of remarks of Rep. Pelly stating that there is a wave of public interest on flag "etiquette" and rules on proper display of the flag under various circumstances and inserting an article on this subject. p. A6749
32. LIBRARY. Extension of remarks of Rep. Metcalf commending the improvement in library services to rural areas and inserting an article on this subject. p. A6766

#### BILLS INTRODUCED

33. FOOD ADDITIVES. S. 4193, by Sen. Hill (for himself and Sen. Smith, N. J.), to protect the public health by amending the Federal Food, Drug and Cosmetic Act to prohibit the use in food of additives which have not been adequately tested to establish their safety; to Labor and Public Welfare Committee.
34. FLAG. H. R. 13552, by Rep. Celler, providing for the design of the flag of the United States; to Judiciary Committee.
35. SMALL BUSINESS. H. R. 13561 through H. R. 13570, by Rep. Hill (and others) to amend the Renegotiation Act of 1951 to assist small business; to Ways and Means Committee. Remarks of Rep. Hill. pp. 14021-3
36. BUDGETING. H. Res. 646, by Rep. Smith, Va., to make legislative bills subject to points of order if they include contract authorizations or other authority for withdrawing funds from the Treasury, whereas the present rule relates only to "appropriations"; to Rules Committee (July 25).

#### BILLS APPROVED BY THE PRESIDENT

37. SOIL CONSERVATION. H. R. 1045, to extend for 4 years, until December 31, 1962, the authority of the Secretary to administer the Agricultural Conservation Program pending the approval of State plans by the Secretary for the administration of the program by the States. Approved July 25, 1958 (Public Law 85-553, 85th Congress).
38. FORESTRY. H. R. 11253, to authorize the Secretary to exchange with Redding, Calif., about 12 acres of land and improvements in that city for about 40 acres



in 1975, and the electric energy production estimate stated above, the per capita production for the United States in that year will be 7,140 kilowatt-hours.

The latest Federal Power Commission estimates, as of January 1, 1957, place the total undeveloped hydroelectric power in the United States at about 90 million kilowatts capacity, with average annual generation of approximately 367 billion kilowatt-hours. This estimate includes projects concerning which only limited data are available. Some 56 percent of the Nation's undeveloped power is in the area west of the Continental Divide, and 35 percent is in the Columbia River Basin.

Combining the undeveloped with the total developed hydroelectric capacity indicates a total potential hydro capacity in the United States of more than 117 million kilowatts, with average annual production of some 500 billion kilowatt-hours.

Thus, approximately 23 percent of the potential hydro of the country has been developed to date.

As of January 1, 1958, nearly 30 million kilowatts of potential hydro capacity was either under construction or in various stages of planning and authorization, as summarized in the following:

1. Under construction by Federal agencies as parts of multiple-purpose river-development programs, 5,800,000 kilowatts.

2. Under construction by non-Federal interests under Federal Power Commission licenses, 5,300,000 kilowatts.

3. Under Federal Power Commission licenses, but not under construction, including additional units at existing projects, 3,800,000 kilowatts.

4. Included in applications for licenses or amendments pending before the Commission, 5 million kilowatts.

5. Included in preliminary permits outstanding or in applications for preliminary permits pending before Commission, 4,200,000 kilowatts.

6. Authorized for construction by Federal agencies, but not under construction, including additional units at existing projects, 5,600,000 kilowatts.

These amounts total 29,800,000 kilowatts. Completion of the installations listed above would more than double the hydroelectric capacity in the United States.

The period within which this may be accomplished cannot be determined with accuracy, but it appears likely that most of this potential capacity will be constructed within the next 20 years, possibly by 1975.

An at that time the developed hydro capacity would amount to 57,500,000 kilowatts, or nearly 50 percent of the total potential hydro of some 117 million kilowatts capacity, including both developed and undeveloped.

This may be compared with the 23 percent noted above as the part of our total potential hydro that is now developed.

Available information indicates that the total installed generating capacity in Russia at the end of 1956 amounted to 42,785,000 kilowatts, including 34,425,000 kilowatts of thermal capacity, and 8,370,000 kilowatts of hydro capacity.

Generation in 1956 amounted to about 192 billion kilowatt-hours, of which 163 billion kilowatt-hours was generated in thermal plants and 29 billion in hydro plants.

With a population of around 200 million, the capacity per capita in Russia amounted to 0.214 kilowatts and the annual energy production per capita amounted to 959 kilowatt-hours.

These figures may be compared with the following for the United States, with a 1956 population of 168 million:

Capacity per capita, 0.816 kilowatts.

Annual energy production per capita, 4,069 kilowatt-hours.

The United States energy production per capita is over four times the Russian per capita energy production.

The total estimated potential hydroelectric power in Russia has been reported as 340 million kilowatts of capacity with annual production of some 2,978 billion kilowatt-hours, which is 3 to 5 times the estimated hydro potential of the United States.

On the basis of these figures, it appears that about 2½ percent of the total Russian potential has been developed as compared with 23 percent development in the United States.

It will be noted that the United States superiority has more than doubled since 1940, having increased from 39,962,000 kilowatts in 1940, to 94,547,000 kilowatts in 1956:

	Kilowatts		
	United States	U. S. S. R.	United States superiority
1940-----	50,962,000	11,000,000	39,962,000
1945-----	62,868,000	10,700,000	52,168,000
1950-----	82,850,000	22,400,000	60,450,000
1956-----	137,342,000	42,795,000	94,547,000

As can be seen from the table, over that 16-year period, our superiority in terms of kilowatts in excess of those available in Russia has increased from about 40 million to 94 million.

The following tabulation shows the average annual growth of installed electric generating capacity in the United States and Russia from 1940 to 1956. In the last 6 years, the United States has been adding capacity at an average rate nearly 3 times that of Russia.

	Average annual growth in kilowatts			
	United States		U. S. S. R.	
	Growth in period	Per year	Growth in period	Per year
1940-45-----	11,906,000	2,380,000		
1945-50-----	19,982,000	3,996,000	11,700,000	2,340,000
1950-56-----	54,492,000	9,082,000	20,395,000	3,399,000

NOTE.—Maximum year (United States), 11,529,000; maximum year (U. S. S. R.), 5,564,000

You will note, for instance, our rate has been 9,082,000 kilowatts per year during that 6-year period, whereas Russia's has been 3,399,000 kilowatts.

Russia's maximum year, which was 1956, was 5,564,000 kilowatts; our maximum year, 1955, was 11,529,000 kilowatts.

I might note, parenthetically there, that we have scheduled for the present year over 16 billion kilowatts which should be installed. That may be compared with Russia's maximum year to date of 5,564,000 kilowatts.

The accompanying chart shows a comparison of total generating capacities in the United States and Russia for the years 1940 to 1956, with projections to 1975. It shows graphically how the United States has been outdistancing Russia in the installation of electric generating capacity.

[Chart omitted in the Record.]

As shown in the lower curve, if Russia is to catch up with the United States by 1975, it must install new capacity at the unprecedented rate of 16,200,000 kilowatts annually, or at a rate more than 4 times their actual rate—3,399,000 kilowatts—during the 6-year period 1950-56, and nearly 3 times their

maximum annual rate of installation (5,564,000 kilowatts) during that period.

Mr. ADAMS. I do not know the reason why they [Russia] have only recently started extensive hydroelectric development programs, but it appears from information given by General Itschner in his testimony that they have planned now, either existing, under construction, or planned, something on the order of 25 million kilowatts of hydro.

So they are now moving to an emphasis on hydroelectric development. Just how fast that 25 million kilowatts of capacity may come in, I don't know, but it appears that it might take a 10-year period for full development of the tremendous projects described in that testimony.

I would expect for the future, for some years yet, the emphasis in Russia will be on waterpower.

Senator WATKINS. They certainly have been rather slow in that development until very recently.

Mr. ADAMS. Yes, sir; that is correct. I think these figures would indicate that.

George R. Phillips, Chief, River Basins Branch, Soil Conservation Service, United States Department of Agriculture:

Soil Conservation Service records show that, as of December 31, 1957, technical assistance had been furnished by that agency through soil-conservation districts in the planning and construction of various measures and practices for water conservation and use. Included were over 885,000 farm ponds, nearly 22,000 small irrigation reservoirs, and over 45,000 farm sprinkler irrigation systems.

Technical assistance also was furnished in planning and applying improved irrigation water application and management practices on over 12,775,000 acres of irrigated farmland and improved drainage on over 20 million acres of farmland.

As of May 1, a total of 852 applications for Public 566 watershed planning and construction assistance had been received in Washington from local groups.

Of those, 351 in 46 States and Hawaii had been authorized for planning assistance, of which 83 in 36 States had been authorized for actual operations.

Also, a report on March 21 on the new Great Plains conservation program showed that since December 1957, about 1,565 farmers and ranchers either had signed contracts or filed applications for participation.

Senator WATKINS. Mr. Phillips, that is a very fine paper on the way the development of soil and water conservation in the United States is being taken care of under the Department of Agriculture.

Do you know whether Russia has anything comparable to our water development under the Soil Conservation Service small watershed program?

Mr. PHILLIPS. According to the information we have there is nothing of that sort.

Mr. O'MAHONEY. Mr. President, I was very glad to hear the remarks of the Senator from Utah with respect to the resolution now before the Senate. I should like to point out that in the testimony presented to the committee a statement was made by the senior Senator from Louisiana [Mr. ELLENDER], who personally has visited Soviet Russia on several occasions during the past few years. He reported to the committee the great advance the Russians have been making. In addition, General Itschner, the head of the Corps of Army Engineers, also gave testimony to the committee. Finally, there was placed



in the RECORD a speech delivered by Allen W. Dulles, the head of CIA, before the United States Chamber of Commerce earlier in the year. The speech was entitled "Khrushchev's Challenge."

It is quite true, as the Senator from Utah has stated, that the record shows that the United States still is ahead of Russia in the production of electric power and energy. The fact remains, however, that Khrushchev, as Allen Dulles has stated, has distinctly said that it is his purpose to outproduce the United States. In the course of this speech Mr. Dulles said:

The Soviet economy has been growing and is expected to grow throughout 1962 at a rate roughly twice that of the economy of the United States.

While it is true that Soviet Russia is not outproducing us, since we are engaged in an economic cold war it was the feeling of both committees, namely, the Committee on Interior and Insular Affairs and the Committee on Public Works, that the two committees should continue their study in order to make certain that we overlook no opportunity to keep ahead of Soviet Russia in this economic production race.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The resolution, as amended, was agreed to.

The preamble was amended, so as to read:

Whereas in committee print dated December 20, 1957, the chairman of the Committee on Interior and Insular Affairs transmitted a summary of available information on the "Relationships of River and Related Water Resource Development Programs of United States, Soviet Russia, and (Red) China," which on January 23, 1958, was referred to the Committee on Interior and Insular Affairs and the Committee on Public Works for joint hearings;

Whereas testimony at joint hearings again established the fact that the United States is still the leading nation of the world in the production of hydroelectric power, nevertheless the testimony of competent witnesses on the progress of Soviet Russia's water resource development programs is a stern warning that this Nation must not adopt a complacent attitude that would allow us to drift with a false assumption of unassailable superiority: Now, therefore, be it

#### ADDITIONAL EXPENDITURES BY THE COMMITTEE ON APPROPRIATIONS

The resolution (S. Res. 315) authorizing additional expenditures by the Committee on Appropriations was considered and agreed to, as follows:

*Resolved*, That the Committee on Appropriations hereby is authorized to expend from the contingent fund of the Senate, during the Eighty-fifth Congress \$15,000 in addition to the amounts, and for the same purposes, specified in section 134 (a) of the Legislative Reorganization Act, approved August 2, 1946, Senate Resolution 154, agreed to August 5, 1957, and Senate Resolution 187, agreed to August 26, 1957.

#### PRINTING OF THE LEGISLATIVE HISTORY OF THE COMMITTEE ON FOREIGN RELATIONS

The resolution (S. Res. 325) authorizing the printing of the legislative history of the Committee on Foreign Relations, United States Senate, 85th Congress, as a Senate document was considered and agreed to, as follows:

*Resolved*, That the "Legislative History of the Committee on Foreign Relations, United States Senate, 85th Congress" be printed as a Senate document, and that 1,000 additional copies be printed for the use of the Committee on Foreign Relations.

#### INCREASE IN EXPENDITURES FOR COMMITTEE ON FOREIGN RELATIONS

The resolution (S. Res. 326) authorizing an increase in expenditures for the Committee on Foreign Relations was considered and agreed to, as follows:

*Resolved*, That the Committee on Foreign Relations hereby is authorized to expend from the contingent fund of the Senate, during the 85th Congress, \$10,000, in addition to the amounts, and for the same purposes, specified in section 134 (a) of the Legislative Reorganization Act, approved August 2, 1946, and Senate Resolution 152, agreed to July 3, 1957, and Senate Resolution 272, agreed to March 17, 1958.

#### PRINTING OF ADDITIONAL COPIES OF SENATE REPORT 1477

The resolution (S. Res. 337) to print additional copies of Senate Report 1477, 85th Congress, entitled "Report of the Subcommittee To Investigate the Administration of the Internal Security Laws" was considered and agreed to, as follows:

*Resolved*, That there be printed for the use of the Senate Committee on the Judiciary, 3,500 additional copies of Senate Report No. 1477, 85th Congress, 2d session, entitled "Report of the Subcommittee To Investigate the Administration of the Internal Security Laws" for the year 1957.

#### PRINTING OF REVISED EDITION OF THE BIOGRAPHICAL DIRECTORY OF THE AMERICAN CONGRESS

The concurrent resolution (H. Con. Res. 344) authorizing the printing of a revised edition of the Biographical Directory of the American Congress up to and including the 86th Congress was considered and agreed to.

#### REVISION OF TITLE 23, UNITED STATES CODE, ENTITLED "HIGHWAYS"—BILL PASSED OVER

The bill (S. 3953) to revise, codify, and enact into law, title 23 of the United States Code, entitled "Highways," was announced as next in order.

Mr. TALMADGE. Mr. President, on Calendar No. 1971, Senate bill 3953, the House has passed a similar bill, H. R. 12776. The Committee on Public Works amended and reported the Senate bill. Before the third reading of the Senate bill I ask unanimous consent that the committee be discharged from further

consideration of the House bill, that the language of the Senate bill be substituted for that of the House bill, and that the House bill as thus amended be passed.

The PRESIDING OFFICER. Is there objection?

Mr. HRUSKA. There is objection, Mr. President. I ask that the bill go over, as not properly calendar business.

The PRESIDING OFFICER. Objection is heard. The bill will be passed over.

#### FINANCIAL ASSISTANCE IN CONSTRUCTION AND OPERATION OF SCHOOLS

The Senate proceeded to consider the bill (H. R. 11378) to amend Public Laws 815 and 874, 81st Cong., to make permanent the programs providing financial assistance in the construction and operation of schools in areas affected by Federal activities, insofar as such programs relate to children of persons who reside and work on Federal property, to extend such programs until June 30, 1961, insofar as such programs relate to other children, and to make certain other changes in such laws, which had been reported from the Committee on Labor and Public Welfare, with amendments, on page 31, after line 6, to strike out:

(2) by adding after the end of clause (B) of paragraph (2) thereof the following.

And, in lieu thereof, to insert:

(2) by striking out the period at the end of clause (B) of paragraph (2) and inserting in lieu thereof a comma and the following: "except that such 3 percent requirement need not be met by such agency for any period of 2 fiscal years which follows a fiscal year during which such agency met such requirement and was entitled to payment under the provisions of this section to such agency for the second fiscal year of any such 2-year period during which such requirement is not met, shall be reduced by 50 percent of the amount thereof."

On page 32, line 5, after the word "and", to strike out "those provisions" and insert "the provisions of the last sentence"; on page 33, after line 22, to insert:

(e) Section 3 (e) of such Act is amended by adding the word "actually" after the words "(as defined in section 2 (b) (1)) and."

On page 34, line 1, after "Sec. 203.", to insert "(a)"; at the beginning of line 2, to insert "(1)"; in line 3, after the numerals "1961", to insert "and (2) by inserting after '50 percent of such product' the following: 'reduced by the amount of such product which is attributable to children with respect to whom such agency is, or upon application would be, entitled to receive any payment under section 3 for such fiscal year', and, after line 8, to insert:

(b) Subparagraph (A) of section 4 (c) of such act is amended by striking out "year, and" and inserting in lieu thereof "year: *Provided*, That the Commissioner shall count for such purposes as an increase directly resulting from activities of the United States, an increase in the number of children who reside on Federal property or reside with a parent employed on Federal property, if the







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11. SMALL BUSINESS. Conferees agreed to file a conference report on S. 3651, to make equity capital and long-term credit more readily available for small-business concerns. p. D799
12. EDUCATION. Rep. Frelinghuysen inserted a statement by HEW Secretary Flemming favoring H. R. 13247, the national defense education bill, and explaining the provisions of the bill. p. 14925
13. LEGISLATIVE PROGRAM. Rep. McCormack announced that the conference report on H. R. 13015, the military construction authorization bill, will be considered Wed., Aug. 6 (p. 14925). Also scheduled for consideration the same day are S. 4071, the farm bill, H. R. 11056, to regulate the imports of certain fruits and nuts, and H. R. 13580, to increase the public debt limit.

#### SENATE

14. APPROPRIATIONS. The Appropriations Committee reported with amendments H. R. 13192, the mutual security appropriation bill for 1959 (S. Rept. 2204) (p. 14773). The Daily Digest states that the bill provides \$3.5 billion, a \$440 million increase over the House-passed figure (p. D795).
15. SURPLUS DISPOSAL; FOREIGN TRADE. Both Houses received the President's semi-annual report on Public Law 480 operations, Jan. 1-June 30, 1958. pp. 14771, 14881 (H. Doc. 431)  
The Agriculture and Forestry Committee reported without amendment S. 3858, to authorize CCC to purchase flour and cornmeal for donation instead of being limited to having such products processed from its own stocks (S. Rept. 2196). p. 14773  
Sen. Humphrey discussed health problems and our foreign policy in the Middle East and urged the importance of using surplus foods to reduce human suffering. pp. 14845-8
16. LOANS. The Agriculture and Forestry Committee reported without amendment S. 3333, to improve the insured loan program of the FHA (S. Rept. 2192). p. 14773
17. FARM LABOR. The Agriculture and Forestry Committee reported an original bill/ to extend the Mexican farm labor program for 1 year (S. Rept. 2189). p. 14773 S. 4232
18. FORESTRY. Concurred in the House amendment of S. 1748, to add certain lands in Ida. and Wyo. to the Caribou and Targhee National Forests. This bill will now be sent to the President. p. 14819  
Sen. Morse stated that big timbermen were attempting to prevent the use of provisions in the Small Business Act of 1958 which would help smaller lumbermen by setting aside timber for them to cut, and urged that the Small Business Administration take its own course. p. 14862
19. ROADS. Passed H. R. 12776, to revise and codify the laws relating to "Highways," with an amendment substituting the language of S. 3953 as reported by the Senate committee. S. 3953 was indefinitely postponed. pp. 14819-32
20. DESERT-LAND ENTRIES. Concurred in the House amendments to S. 359, to permit desert land entries on disconnected tracts of land aggregating less than 320 acres and forming a compact unit. This bill will now be sent to the President. p. 14818

21. RECLAMATION. Concurred in the House amendment to S. 4002, to authorize the Grey Reef Dam and Reservoir as a part of the Glendo unit of the Missouri River Basin Project. This bill will now be sent to the President. p. 14818  
The Interior and Insular Affairs Committee reported with amendments S. 3648, to authorize the Interior Department to construct and operate the Navaho Indian Irrigation project and the initial stage of the San Juan-Chama project (S. Rept. 2198); and S. 1887, to authorize the Interior Department to construct the San Luis unit, Central Valley Project, Calif., and to enter into an agreement with the State to operate it (S. Rept. 2202). p. 14773
22. LANDS. The Agriculture and Forestry Committee reported without amendment H. R. 6542, to authorize the conveyance of certain forest lands to Dayton, Wyo. (S. Rept. 2194); and H. R. 11800, to authorize the sale of certain ARS lands and buildings to Clifton, N. J. (S. Rept. 2193). p. 14773  
Sen. Morse discussed the formula requiring payment of at least 50% of the appraised fair market value for lands to be transferred to local agencies for public purposes, and 100% if for private purposes, which he has insisted on since 1946, in connection with a bill to dispose of certain property in Roseburg, Ore. pp. 14857-62
23. HALL OF FAME. The Agriculture and Forestry Committee reported without amendment H. Con. Res. 295, favoring the establishment of a Hall of Fame for Agriculture (S. Rept. 2190). p. 14773
24. ACREAGE ALLOTMENTS. The Agriculture and Forestry Committee reported with amendment S. 4151, to establish uniform provisions for the transfer of acreage allotments when the landowner is displaced by an agency having the right of eminent domain (S. Rept. 2195). p. 14773
25. IMPORTS. The Agriculture and Forestry Committee reported with amendments S. 2142, to amend the Agricultural Marketing Agreement Act so as to extend restrictions on the importation of certain citrus fruits and figs, (S. Rept. 2191). p. 14773
26. PURCHASING. The Government Operations Committee reported with amendments S. 3224, to assist small business firms to obtain a fair share of Government purchases and contracts and to expedite Government procurement (S. Rept. 2201). p. 14773
27. FISHERIES. The Interstate and Foreign Commerce Committee ordered reported with an amendment in the nature of a substitute bill, S. 3229, the proposed Federal Fisheries Assistance Act of 1958. p. D796
28. FEDERAL-STATE RELATIONS. The Judiciary Committee ordered reported with amendment S. 337, to establish rules of interpretation governing questions of the effect of acts of Congress on State laws. p. D796
29. DEFENSE PRODUCTION. S. 4162, to provide for the cancellation of certain uncollectible loans and operating losses under Title III of the Defense Production Act, was made the unfinished business. p. 14817
30. ELECTRIFICATION. Sen. Humphrey inserted an article by the manager of the Colo. Rural Electric Association urging greater independence of the REA administrator from USDA control. pp. 14839-40



# ADDITION OF CERTAIN LANDS TO CARIBOU AND TARGHEE NATIONAL FORESTS

Mr. O'MAHONEY. Mr. President I understand that the House has passed Senate bill 1748, a bill dealing with the Caribou and Targhee National Forests, with an amendment. I ask that the Chair lay before the Senate the amendment of the House.

The PRESIDING OFFICER (Mr. MORTON in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 1748), to add certain lands located in Idaho and Wyoming to the Caribou and Targhee National Forests, which was, on page 5, line 12, strike out all after "Act" down through and including "authority" in line 15.

Mr. O'MAHONEY. Mr. President, I have a message from the Senate Committee on Interior and Insular Affairs to the effect that the committee is willing to accept the amendment of the House striking out certain language allowing the Secretary of the Interior to process pending applications in the small tract. There is no objection on this side to the House amendment, and I move that the Senate concur in the amendment of the House.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. JAVITS. Has the Senator cleared this matter with the minority side?

Mr. O'MAHONEY. I have not.

Mr. JAVITS. As acting minority leader, I have no objection.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Wyoming.

The motion was agreed to.

# REVISION OF TITLE 23, UNITED STATES CODE, ENTITLED "HIGHWAYS"

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside, and that the Senate proceed to the consideration of Calendar No. 1971, Senate bill 3953.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 3953) to revise, codify, and enact into law, title 23 of the United States Code, entitled "Highways."

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Public Works with amendments, on page 2, after "(a)", to strike out "Definitions.—"; on page 4, after "(b)", to strike out "Declarations of Policy.—"; on page 6, in the last line, after the word "this", to strike out "title" and insert "chapter"; on page 12, after "(a)", to strike out "Federal acquisition for States.—"; after "(b)", to strike out "Costs of acquisition.—"; on page 13, after "(c)",

to strike out "Conveyance of acquired lands to the States.—"; after "(d)", to strike out "Rights-of-way over public lands.—"; on page 16, in section 113, after "(a)", to strike out "Application of Davis-Bacon Act.—"; in the same section, on page 17, after "(b)", to strike out "Consultation with State highway departments; predetermination of rates.—"; on page 21, in the eighth line of subparagraph "(d)", after the word "this", to strike out "title. Not" and insert "title: *Provided, That not*", in the same subparagraph, in line 11, after the word "subsection", to strike out "or under section 130 of this title"; on page 22, in the last line, after the word "the", to strike out "Federal share of 10 per centum" and insert "10 per centum of the Federal share"; on page 25, in the heading starting with "Sec. 127.", after the word "width", to strike out "limitation" and insert "limitations"; on page 26, in Sec. 129, after "(a)", to strike out "Federal aid.—"; on page 27, after "(b)", to strike out "Approval as part of Interstate System.—", in the eleventh line under the same subparagraph, after the date "June 29, 1956", to strike out "Nor" and insert "No"; after "(c)", to strike out "Approaches having other use.—"; after "(d)", to strike out "Approaches having no other use.—"; on page 28, in line 9 of paragraph "(a)", after the word "be", to strike out "affected" and insert "effected"; in line 5 of paragraph "(b)", after the word "railroad", to insert "or railroads"; on page 29, after "(a)", to strike out "National policy.—"; on page 30, after "(b)", to strike out "Agreements.—", in the same paragraph, line 22, after the word "commercial", to strike out the colon and "Provided, however, That" and insert "and"; after "(c)", to strike out "Federal share.—", in the same paragraph, line 10, after the word "the", where it appears the second time, to strike out "agreement: *Provided, That the*" and insert "agreement"; on page 31, after "(d)", to strike out "Cooperation with other agencies.—"; after "(e)", to strike out "Cost of acquisition of right to advertise or regulate advertising.—", in the same paragraph, line 8, to strike out "cost: *Provided, That reimbursement*" and insert "cost. Reimbursement"; on page 32, paragraph "(c)", line 2, after the word "having", to strike out "more than 5 per centum of their area in"; on page 39, subparagraph "(5)", line 2, after the word "the", to strike out "neds" and insert "needs"; on page 41, in the last line of paragraph "(c)", to strike out "\$100 diem" and insert "\$100 per diem"; at the top of page 45, to strike out:

§ 315. Detail of employees as students

During any fiscal year the Secretary is authorized in his discretion to detail not to exceed ten of the regularly employed personnel of the Bureau of Public Roads as students for limited periods at such technical institutions as will enable such personnel to acquire special knowledge which will better fit them for the lines of work to which they are assigned. No expense other than the salaries of such personnel and the cost of tuition and other regular fees required at such institutions shall be incurred by the Secretary under this section.

To change the section number from "316" to "315"; to change the section number from "317" to "316"; to change the section number from "318" to "317", under the same section, in the line beginning with "(a)", after the word "Secretary", to strike out "determines" and insert "determines"; on page 46, to change the section number from "319" to "318"; to change the section number from "320" to "319"; and, on page 47, to change the section number from "321" to "320"; so as to make the bill read:

*Be it enacted, etc., That the laws relating to highways are revised, codified, and re-enacted as title 23, United States Code, "Highways" and may be cited as "title 23, United States Code, §—", as follows:*

## TITLE 23—HIGHWAYS

Chapter	Sec.
1. Federal aid highways.....	101
2. Other highways.....	201
3. General provisions.....	301

### Chapter 1—Federal-aid highways

Sec.
101. Definitions and declaration of policy.
102. Authorizations.
103. Federal-aid systems.
104. Apportionment.
105. Programs.
106. Plans, specifications, and estimates.
107. Acquisition of rights-of-way—Interstate System.
108. Advance acquisition of rights-of-way.
109. Standards.
110. Project agreements.
111. Use of and access to rights-of-way—Interstate System.
112. Letting of contracts.
113. Prevailing rate of wage—Interstate System.
114. Construction.
115. Construction by States in advance of apportionment—Interstate System.
116. Maintenance.
117. Secondary road responsibility.
118. Availability of sums apportioned.
119. Administration of Federal-aid for highways in Alaska.
120. Federal share payable.
121. Payment to States for construction.
122. Payment to States for bond retirement.
123. Relocation of utility facilities.
124. Advances to States.
125. Emergency relief.
126. Diversion.
127. Vehicle weight and width limitations—Interstate System.
128. Public hearings.
129. Toll roads, bridges, and tunnels.
130. Railway-highway crossing.
131. Areas adjacent to the Interstate System.

§ 101. Definitions and declaration of policy  
(a) As used in this title, unless the context requires otherwise—

The term "apportionment" in accordance with section 104 of this title includes unexpended apportionments made under prior acts.

The term "construction" means the supervising, inspecting, actual building, and all expenses incidental to the construction or reconstruction of a highway, including locating, surveying, and mapping (including the establishment of temporary and permanent geodetic markers in accordance with specifications of the Coast and Geodetic Survey in the Department of Commerce), costs of rights-of-way, and elimination of hazards of railway-grade crossings.

The term "county" includes corresponding units of Government under any other name in States which do not have county organizations, and likewise in those States in which the county government does not



have jurisdiction over highways it may be construed to mean any local government unit vested with jurisdiction over local highways.

The term "forest road or trail" means a road or trail wholly or partly within, or adjacent to, and serving the national forests.

The term "forest development roads and trails" means those forest roads or trails of primary importance for the protection, administration, and utilization of the national forests, or where necessary, for the use and development of the resources upon which communities within or adjacent to the national forests are dependent.

The term "forest highway" means a forest road which is of primary importance to the States, counties, or communities within, adjoining, or adjacent to the national forests.

The term "highway" includes roads, streets, and parkways, and also includes rights-of-way, bridges, railroad-highway crossings, tunnels, drainage structures, signs, guardrails, and protective structures, in connection with highways. It further includes that portion of any interstate or international bridge or tunnel and the approaches thereto, the cost of which is assumed by a State highway department including such facilities as may be required by the United States Customs and Immigration Services in connection with the operation of an international bridge or tunnel.

The term "Federal-aid highways" means highways located on one of the Federal-aid systems described in section 103 of this title.

The term "Indian reservation roads and bridges" means roads and bridges that are located within an Indian reservation or that provide access to an Indian reservation or Indian land, and that are jointly designated by the Secretary of the Interior and the Secretary as a part of the Indian Bureau road system.

The term "maintenance" means the preservation of the entire highway, including surface, shoulders, roadsides, structures, and such traffic-control devices as are necessary for its safe and efficient utilization.

The term "park roads and trails" means those roads or trails, including the necessary bridges, located in national parks or monuments, now or hereafter established, or in other areas administered by the National Park Service of the Department of the Interior (excluding parkways authorized by acts of Congress) and also including approach roads to national parks or monuments authorized by the act of January 31, 1931 (46 Stat. 1053), as amended.

The term "parkway" as used in chapter 2 of this title, means a parkway authorized by an act of Congress on lands to which title is vested in the United States.

The term "project" means an undertaking to construct a particular portion of a highway, or if the context so implies, the particular portion of a highway so constructed.

The term "project agreement" means the formal instrument to be executed by the State highway department and the Secretary as required by the provisions of subsection (a) of section 110 of this title.

The term "public lands highways" means main highways through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations.

The term "rural areas" means all areas of a State not included in urban areas.

The term "Secretary" means Secretary of Commerce.

The term "State" means any one of the forty-eight States, the District of Columbia, Hawaii, Alaska, or Puerto Rico.

The term "State funds" includes funds raised under the authority of the State or any political or other subdivision thereof, and made available for expenditure under the direct control of the State highway department.

The term "State highway department" means that department, commission, board, or official of any State charged by its laws with the responsibility for highway construction.

The term "Federal-aid system" means any one of the Federal-aid highway systems described in section 103 of this title.

The term "Federal-aid primary system" means the Federal-aid highway system described in subsection (b) of section 103 of this title.

The term "Federal-aid secondary system" means the Federal-aid highway system described in subsection (c) of section 103 of this title.

The term "Interstate System" means the National System of Interstate and Defense Highways described in subsection (d) of section 103 of this title.

The term "urban area" means an area including and adjacent to a municipality or other urban place having a population of five thousand or more, as determined by the latest available Federal census, within boundaries to be fixed by a State highway department subject to the approval of the Secretary.

(b) It is hereby declared to be in the national interest to accelerate the construction of the Federal-aid highway systems, including the National System of Interstate and Defense Highways, since many of such highways, or portions thereof, are in fact inadequate to meet the needs of local and interstate commerce, the national and civil defense.

It is hereby declared that the prompt and early completion of the National System of Interstate and Defense Highways, so named because of its primary importance to the national defense and hereafter referred to as the "Interstate System", is essential to the national interest and is one of the most important objectives of this Act. It is the intent of Congress that the Interstate System be completed as nearly as practicable over the period of availability of the thirteen years' appropriations authorized for the purpose of expediting its construction, reconstruction, or improvement, inclusive of necessary tunnels and bridges, through the fiscal year ending June 30, 1969, under section 108 (b) of the Federal-Aid Highway Act of 1956 (70 Stat. 374), and that the entire System in all States be brought to simultaneous completion. Insofar as possible in consonance with this objective, existing highways located on an interstate route shall be used to the extent that such use is practicable, suitable, and feasible, it being the intent that local needs, to the extent practicable, suitable, and feasible, shall be given equal consideration with the needs of interstate commerce.

#### § 102. Authorizations

The provisions of this title apply to all unappropriated authorizations contained in prior acts, and also to all unexpended appropriations heretofore made, providing for the expenditure of Federal funds upon the Federal-aid systems. All such authorizations and appropriations shall continue in full force and effect, but hereafter obligations entered into and expenditures made pursuant thereto shall be subject to the provisions of this title.

#### § 103. Federal-aid systems

(a) For the purposes of this title, the three Federal-aid systems, the primary and secondary systems, and the Interstate System, are continued pursuant to the provisions of this section.

(b) The Federal-aid primary system shall consist of an adequate system of connected main highways, selected or designated by each State through its State highway department, subject to the approval of the Secretary as provided by subsection (e) of

this section. This system shall not exceed 7 percent of the total highway mileage of such State, exclusive of mileage within national forests, Indian, or other Federal reservations and within urban areas, as shown by the records of the State highway department on November 9, 1921. Whenever provision has been made by any State for the completion and maintenance of 90 percent of its Federal-aid primary system, as originally designated, said State through its State highway department by and with the approval of the Secretary is authorized to increase the mileage of its Federal-aid primary system by additional mileage equal to not more than 1 percent of the total mileage of said State as shown by the records on November 9, 1921. Thereafter, it may make like 1 percent increases in the mileage of its Federal-aid primary system whenever provision has been made for the completion and maintenance of 90 percent of the entire system, including the additional mileage previously authorized. This system may be located both in rural and urban areas. The mileage limitations in this paragraph shall not apply to the District of Columbia, Hawaii, Alaska, or Puerto Rico.

(c) The Federal-aid secondary system shall be selected by the State highway departments and the appropriate local road officials in cooperation with each other, subject to approval by the Secretary as provided in subsection (e) of this section. In making such selections, farm-to-market roads, rural mail routes, public school bus routes, local rural roads, county roads, township roads, and roads of the county road class may be included, so long as they are not on the Federal-aid primary system or the Interstate System. This system shall be confined to rural areas, except (1) that in any State having a population density of more than 200 per square mile as shown by the latest available Federal census, the system may include mileage in urban areas as well as rural, and (2) that the system may be extended into urban areas subject to the conditions that any such extension passes through the urban area or connects with another Federal-aid system within the urban area, and that Federal participation in projects on such extensions is limited to urban funds.

(d) The Interstate System shall be designated within the continental United States and it shall not exceed 41,000 miles in total extent. It shall be so located as to connect by routes, as direct as practicable, the principal metropolitan areas, cities, and industrial centers, to serve the national defense, and to connect at suitable border points with routes of continental importance in the Dominion of Canada and the Republic of Mexico. The routes of this system shall be selected by joint action of the State highway departments of each State and the adjoining States, subject to approval by the Secretary as provided in subsection (e) of this section. All highways or routes included in the Interstate System as finally approved, if not already coincident with the primary system, shall be added to said system without regard to the mileage limitation set forth in subsection (b) of this section. This system may be located both in rural and urban areas.

(e) The Secretary shall have authority to approve in whole or in part the Federal-aid primary system, the Federal-aid secondary system, and the Interstate System, as and when such systems or portions thereof are designated, or to require modifications or revisions thereof. No Federal-aid system or portion thereof shall be eligible for projects in which Federal funds participate until approved by the Secretary.

(f) The system or systems of roads in the Territory of Alaska on which Federal-aid funds may be expended under this chapter



shall be determined and agreed upon by the Governor of Alaska, the Alaska Highway and Public Works Board, and the Secretary.

(g) The system of highways on which funds apportioned to the Territory of Hawaii under this chapter shall be expended may be determined and agreed upon by the Governor of said Territory and the Secretary.

#### § 104. Apportionment

(a) Whenever an apportionment is made of the sums authorized to be appropriated for expenditure upon the Federal-aid systems, the Secretary shall deduct a sum, in such amount not to exceed 3¼ percent of all sums so authorized, as the Secretary may deem necessary for administering the provisions of law to be financed from appropriations for the Federal-aid systems and for carrying on the research authorized by subsections (a) and (b) of section 307 of this title. In making such determination, the Secretary shall take into account the unexpended balance of any sums deducted for such purposes in prior years. The sum so deducted shall be available for expenditure from the unexpended balance of any appropriation made at any time for expenditure upon the Federal-aid systems, until such sum has been expended.

(b) On or before January 1 next preceding the commencement of each fiscal year, except as provided in paragraphs (4) and (5) of this subsection, the Secretary, after making the deduction authorized by subsection (a) of this section, shall apportion the remainder of the sums authorized to be appropriated for expenditure upon the Federal-aid systems for that fiscal year, among the several States in the following manner:

(1) For the Federal-aid primary system: One-third in the ratio which the area of each State bears to the total area of all the States, except that only one-third of the area of Alaska shall be included; one-third in the ratio which the population of each State bears to the total population of all the States as shown by the latest available Federal census; one-third in the ratio which the mileage of rural delivery routes and star routes in each State bears to the total mileage of rural delivery and star routes in all the States at the close of the next preceding fiscal year, as shown by a certificate of the Postmaster General, which he is directed to make and furnish annually to the Secretary. No State shall receive less than one-half of 1 percent of each year's apportionment.

(2) For the Federal-aid secondary system: One-third in the ratio which the area of each State bears to the total area of all the States, except that only one-third of the area of Alaska shall be included; one-third in the ratio which the rural population of each State bears to the total rural population of all the States as shown by the latest available Federal census; and one-third in the ratio which the mileage of rural delivery and star routes, certified as above provided, in each State bears to the total mileage of rural delivery and star routes in all the States. No State shall receive less than one-half of 1 percent of each year's apportionment.

(3) For extension of the Federal-aid primary and Federal-aid secondary systems within urban areas:

In the ratio which the population in municipalities and other urban places, of five thousand or more, in each State bears to the total population in municipalities and other urban places of five thousand or more in all the States, as shown by the latest available Federal census. For the purpose of this paragraph, Connecticut and Vermont towns shall be considered municipalities regardless of their incorporated status.

(4) For the Interstate System, for the fiscal years ending June 30, 1957, June 30, 1958, and June 30, 1959:

One-half in the ratio which the population of each State bears to the total population of all the States as shown by the latest available Federal census, except that no State shall receive less than three-fourths of 1 percent of the funds so appropriated; and one-half in the manner provided in paragraph (1) of this subsection. The sums authorized by section 108 (b) of the Federal-aid Highway Act of 1956 for the fiscal years ending June 30, 1958, and June 30, 1959, shall be apportioned on a date not less than 6 months and not more than 12 months in advance of the beginning of the fiscal year for which authorized.

(5) For the Interstate System for the fiscal years 1960 through 1969:

In the ratio which the estimated cost of completing the Interstate System in each State, as determined and approved in the manner provided in this paragraph, bears to the sum of the estimated cost of completing the Interstate System in all of the States. Each apportionment herein authorized for the fiscal years 1960 through 1969, inclusive, shall be made on a date as far in advance of the beginning of the fiscal year for which authorized as practicable but in no case more than 18 months prior to the beginning of the fiscal year for which authorized. As soon as the standards provided for in subsection (b) of section 109 of this title have been adopted, the Secretary, in cooperation with the State highway departments, shall make a detailed estimate of the cost of completing the Interstate System as then designated, after taking into account all previous apportionments made under this section, based upon such standards and in accordance with rules and regulations adopted by him and applied uniformly to all of the States. The Secretary shall transmit such estimates to the Senate and the House of Representatives within 10 days subsequent to January 2, 1958. Upon approval of such estimate by the Congress by concurrent resolution, the Secretary shall use such approved estimate in making apportionments for the fiscal years ending June 30, 1960, June 30, 1961, and June 30, 1962. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System, after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within 10 days subsequent to January 2, 1962. Upon approval of such estimate by the Congress by concurrent resolution, the Secretary shall use such approved estimate in making apportionments for the fiscal years ending June 30, 1963, June 30, 1964, June 30, 1965, and June 30, 1966. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System, after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within 10 days subsequent to January 2, 1966, and annually thereafter through and including January 2, 1968. Upon approval of any such estimate by the Congress by concurrent resolution, the Secretary shall use such approved estimate in making apportionments for the fiscal year which begins next following the fiscal year in which such report is transmitted to the Senate and the House of Representatives. Whenever the Secretary, pursuant to this subsection, requests and receives estimates of cost from the State highway departments, he shall furnish copies of such estimates at the same time to the Senate and the House of Representatives. In making the estimates of cost for completing the Interstate System as provided in this paragraph, the cost of completing any mileage designated from the 1,000 additional miles authorized by section 108 (1) of the Federal-Aid Highway Act of 1956 shall be excluded.

(c) Not more than 20 percent of the amount apportioned in any fiscal year, commencing with the apportionment of funds authorized to be appropriated under subsection (a) of section 102 of the Federal-Aid Highway Act of 1956 (70 Stat. 374), to each State in accordance with paragraphs (1), (2), or (3) of subsection (b) of this section may be transferred from the apportionment under one paragraph to the apportionment under any other of such paragraphs if such a transfer is requested by the State highway department and is approved by the governor of such State and the Secretary as being in the public interest. The total of such transfers shall not increase the original apportionment under any of such paragraphs by more than 20 percent. Nothing contained in this subsection shall alter or impair the authority contained in subsection (d) of this section.

(d) Any funds which are apportioned under paragraph (2) of subsection (b) of this section for the Federal-aid secondary system to a State in which all public roads and highways are under the control and supervision of the State highway department may, if the State highway department and the Secretary jointly agree that such funds are not needed for the Federal-aid secondary system, be expended for projects on another Federal-aid system.

(e) On or before January 1 preceding the commencement of each fiscal year, the Secretary shall certify to each of the State highway departments the sums which he has apportioned hereunder to each State for such fiscal year, and also the sums which he has deducted for administration and research pursuant to subsection (a) of this section.

#### § 105. Programs

(a) As soon as practicable after the apportionments for the Federal-aid systems have been made for any fiscal year, the State highway department of any State desiring to avail itself of the benefits of this chapter shall submit to the Secretary for his approval a program or programs of proposed projects for the utilization of the funds apportioned. The Secretary shall act upon programs submitted to him as soon as practicable after the same have been submitted. The Secretary may approve a program in whole or in part, but he shall not approve any project in a proposed program which is not located upon an approved Federal-aid system.

(b) In approving programs for projects on the Federal-aid secondary system, the Secretary shall require, except in States where all public roads and highways are under the control and supervision of the State highway department, that such project be selected by the State highway department and the appropriate local officials in cooperation with each other.

(c) In approving programs for projects on the Federal-aid primary system, the Secretary shall give preference to such projects as will expedite the completion of an adequate and connected system of highways interstate in character.

(d) In approving programs for projects under this chapter, the Secretary may give priority of approval to, and expedite the construction of, projects that are recommended as important to the national defense by the Secretary of Defense, or other official authorized by the President to make such recommendation.

(e) In approving programs in Hawaii, the Secretary shall give preference to such projects as will expedite the completion of highways for the national defense or which will connect seaports with units of the national parks.

#### § 106. Plans, specifications, and estimates

(a) Except as provided in section 117 of this title, the State highway department



shall submit to the Secretary for his approval, as soon as practicable after program approval, such surveys, plans, specifications, and estimates for each proposed project included in an approved program as the Secretary may require. The Secretary shall act upon such surveys, plans, specifications, and estimates as soon as practicable after the same have been submitted, and his approval of any such project shall be deemed a contractual obligation of the Federal Government for the payment of its proportional contribution thereto. In taking such action, the Secretary shall be guided by the provisions of section 109 of this title.

(b) In addition to the approval required under subsection (a) of this section, proposed specifications for projects for construction on the Federal-aid secondary system, except in States where all public roads and highways are under the control and supervision of the State highway department, shall be determined by the State highway department and the appropriate local officials in cooperation with each other.

(c) Items included in any such estimate for construction engineering shall not exceed 10 percent of the total estimated cost of the project, after excluding from such total estimated cost, the estimated costs of rights-of-way, preliminary engineering, and construction engineering.

#### § 107. Acquisition of rights-of-way—Interstate System

(a) In any case in which the Secretary is requested by a State to acquire lands or interests in lands (including within the term "interests in lands", the control of access thereto from adjoining lands) required by such State for right-of-way or other purposes in connection with the prosecution of any project for the construction, reconstruction, or improvement of any section of the Interstate System, the Secretary is authorized, in the name of the United States and prior to the approval of title by the Attorney General, to acquire, enter upon, and take possession of such lands or interests in lands by purchase, donation, condemnation, or otherwise in accordance with the laws of the United States (including the act of February 26, 1931, 46 Stat. 1421), if—

(1) the Secretary has determined either that the State is unable to acquire necessary lands or interests in lands, or is unable to acquire such lands or interest in lands with sufficient promptness; and

(2) the State has agreed with the Secretary to pay, at such time as may be specified by the Secretary an amount equal to 10 percent of the costs incurred by the Secretary, in acquiring such lands or interests in lands, or such lesser percentage which represents the State's pro rata share of project costs as determined in accordance with subsection (c) of section 120 of this title.

The authority granted by this section shall also apply to lands and interests in lands received as grants of land from the United States and owned or held by railroads or other corporations.

(b) The costs incurred by the Secretary in acquiring any such lands or interests in lands may include the cost of examination and abstract of title, certificate of title, advertising, and any fees incidental to such acquisition. All costs incurred by the Secretary in connection with the acquisition of any such lands or interests in lands shall be paid from the funds for construction, reconstruction, or improvement of the Interstate System apportioned to the State upon the request of which such lands or interests in lands are acquired, and any sums paid to the Secretary by such State as its share of the costs of acquisition of such lands or interests in lands shall be deposited in the Treasury to the credit of the appropriation for Federal-aid highways and shall be credited to the amount apportioned to such State as its apportionment of funds for construction, reconstruction,

tion, or improvement of the Interstate System, or shall be deducted from other moneys due the State for reimbursement from funds authorized to be appropriated under section 108 (b) of the Federal-Aid Highway Act of 1956.

(c) The Secretary is further authorized and directed by proper deed, executed in the name of the United States, to convey any such lands or interests in lands acquired in any State under the provisions of this section, except the outside 5 feet of any such right-of-way in any State which does not provide control of access, to the State highway department of such State or such political subdivision thereof as its laws may provide, upon such terms and conditions as to such lands or interests in lands as may be agreed upon by the Secretary and the State highway department or political subdivisions to which the conveyance is to be made. Whenever the State makes provision for control of access satisfactory to the Secretary, the outside 5 feet then shall be conveyed to the State by the Secretary, as herein provided.

(d) Whenever rights-of-way, including control of access, on the Interstate System are required over lands or interests in lands owned by the United States, the Secretary may make such arrangements with the agency having jurisdiction over such lands as may be necessary to give the State or other person constructing the projects on such lands adequate rights-of-way and control of access thereto from adjoining lands, and any such agency is directed to cooperate with the Secretary in this connection.

#### § 108. Advance acquisition of rights-of-way

(a) For the purpose of facilitating the acquisition of rights-of-way on any of the Federal-aid highway systems, including the Interstate System, in the most expeditious and economical manner, and recognizing that the acquisition of rights-of-way requires lengthy planning and negotiations if is to be done at a reasonable cost, the Secretary, upon the request of the State highway department, is authorized to make available the funds apportioned to any State for expenditure on any of the Federal-aid highway systems, including the Interstate System, for acquisition of rights-of-way, in anticipation of construction and under such rules and regulations as the Secretary may prescribe. The agreement between the Secretary and the State highway department for the reimbursement of the cost of such rights-of-way shall provide for the actual construction of a road on such rights-of-way within a period not exceeding 5 years following the fiscal year in which such request is made.

(b) Federal participation in the cost of rights-of-way acquired under this section shall not exceed the Federal pro rata share applicable to the class of funds from which Federal reimbursement is made.

#### § 109. Standards

(a) The Secretary shall not approve plans and specifications for proposed projects on any Federal-aid system if they fail to provide for a facility (1) that will adequately meet the existing and probable future traffic needs and conditions in a manner conducive to safety, durability, and economy of maintenance; (2) that will be designed and constructed in accordance with standards best suited to accomplish the foregoing objectives and to conform to the particular needs of each locality.

(b) The geometric and construction standards to be adopted for the Interstate System shall be those approved by the Secretary in cooperation with the State highway departments. Such standards shall be adequate to accommodate the types and volumes of traffic forecast for the year 1975. The right-of-way width of the Interstate

System shall be adequate to permit construction of projects on the Interstate System up to such standards. The Secretary shall apply such standards uniformly throughout the States.

(c) Projects on the Federal-aid secondary system in which Federal funds participate shall be constructed according to specifications that will provide all-weather service and permit maintenance at a reasonable cost.

(d) On any highway project in which Federal funds hereafter participate, or on any such project constructed since December 20, 1944, the location, form and character of informational, regulatory and warning signs, curb and pavement or other markings, and traffic signals installed or placed by any public authority or other agency, shall be subject to the approval of the State highway department with the concurrence of the Secretary, who is directed to concur only in such installations as will promote the safe and efficient utilization of the highways.

(e) No funds shall be approved for expenditure on any Federal-aid highway, or highway affected under chapter 2 of this title, unless proper safety protective devices complying with safety standards determined by the Secretary at that time as being adequate shall be installed or be in operation at any highway and railroad grade crossing or drawbridge on that portion of the highway with respect to which such expenditures are to be made.

(f) The Secretary shall not, as a condition precedent to his approval under section 106 of this title, require any State to acquire title to, or control of, any marginal land along the proposed highway in addition to that reasonably necessary for road surfaces, median strips, gutters, ditches, and side slopes, and of sufficient width to provide service roads for adjacent property to permit safe access at controlled locations in order to expedite traffic, promote safety, and minimize roadside parking.

#### § 110. Project agreements

(a) As soon as practicable after the plans, specifications, and estimates for a specific project have been approved, the Secretary shall enter into a formal project agreement with the State highway department concerning the construction and maintenance of such project. Such project agreement shall make provision for State funds required for the State's pro rata share of the cost of construction of such project and for the maintenance thereof after completion of construction.

(b) The Secretary may rely upon representations made by the State highway department with respect to the arrangements or agreements made by the State highway department and appropriate local officials where a part of the project is to be constructed at the expense of, or in cooperation with, local subdivisions of the State.

#### § 111. Agreements relating to use of and access to rights-of-way, Interstate System

All agreements between the Secretary and the State highway department for the construction of projects on the Interstate System shall contain a clause providing that the State will not add any points of access to, or exit from, the project in addition to those approved by the Secretary in the plans for such project, without the prior approval of the Secretary. Such agreements shall also contain a clause providing that the State will not permit automotive service stations or other commercial establishments for serving motor vehicle users to be constructed or located on the rights-of-way of the Interstate System. Such agreements may, however, authorize a State or political subdivision thereof to use the airspace above and below the established grade line of the high-



way pavement for the parking of motor vehicles, provided such use does not interfere in any way with the free flow of traffic on the Interstate System.

#### § 112. Letting of contracts

(a) In all cases where the construction is to be performed by the State highway department or under its supervision, a request for submission of bids shall be made by advertisement unless some other method is approved by the Secretary. The Secretary shall require such plans and specifications and such methods of bidding as shall be effective in securing competition.

(b) Construction of each project, subject to the provisions of subsection (a) of this section, shall be performed by contract awarded by competitive bidding, unless the Secretary shall affirmatively find that, under the circumstances relating to such project, some other method is in the public interest. All such findings shall be reported promptly in writing to the Committees on Public Works of the Senate and the House of Representatives.

(c) The Secretary shall require as a condition precedent to his approval of each contract awarded by competitive bidding pursuant to subsection (b) of this section, and subject to the provisions of this section, a sworn statement, executed by, or on behalf of, the person, firm, association, or corporation to whom such contract is to be awarded, certifying that such person, firm, association, or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with such contract.

(d) No contract awarded by competitive bidding pursuant to subsection (b) of this section, and subject to the provisions of this section, shall be entered into by any State highway department or local subdivision of the State without compliance with the provisions of this section, and without the prior concurrence of the Secretary in the award thereof.

(e) The provisions of this section shall not be applicable to contracts for projects on the Federal-aid secondary system in those States where the Secretary has discharged his responsibility pursuant to section 117 of this title.

#### § 113. Prevailing rate of wage—Interstate System

(a) The Secretary shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors on the initial construction work performed on highway projects on the Interstate System authorized under section 108 (b) of the Federal-Aid Highway Act of 1956, shall be paid wages at rates not less than those prevailing on the same type of work on similar construction in the immediate locality as determined by the Secretary of Labor in accordance with the Act of August 30, 1935, known as the Davis-Bacon Act (40 U. S. C., sec. 276a).

(b) In carrying out the duties of subsection (a) of this section, the Secretary of Labor shall consult with the highway department of the State in which a project on the Interstate System is to be performed. After giving due regard to the information thus obtained, he shall make a predetermination of the minimum wages to be paid laborers and mechanics in accordance with the provisions of subsection (a) of this section which shall be set out in each project advertisement for bids and in each bid proposal form and shall be made a part of the contract covering the project.

#### § 114. Construction

(a) The construction of any highways or portions of highways located on a Federal-aid system shall be undertaken by the respective State highway departments or un-

der their direct supervision. Except as provided in section 117 of this title, such construction shall be subject to the inspection and approval of the Secretary. The construction work and labor in each State shall be performed under the direct supervision of the State highway department and in accordance with the laws of that State and applicable Federal laws. Construction may be begun as soon as funds are available for expenditure pursuant to subsection (a) of section 118 of this title.

(b) Convict labor shall not be used in such construction unless it is labor performed by convicts who are on parole or probation.

#### § 115. Construction by States in advance of apportionment—Interstate System

(a) When a State has obligated all funds apportioned to it under subsection (b) (4) and (5) of section 104 of this title, and proceeds to construct any project without the aid of Federal funds, including one or more parts of any project, on the Interstate System as designated at that time, in accordance with all procedures and all requirements applicable to projects financed with Interstate System funds authorized to be appropriated under subsection (b) of section 108 of the Federal-Aid Highway Act of 1956, except insofar as such procedures and requirements limit a State to the construction of projects with the aid of Federal funds previously apportioned to it, the Secretary, upon application by such State and his approval of such application, is authorized to pay to such State the Federal share of the costs of construction of such project when additional funds are apportioned to such State under subsection (b) (4) and (5) of section 104 of this title if:

(1) prior to the construction of the project the Secretary shall have approved the plans and specifications therefor in the same manner as other projects on the Interstate System; and

(2) the project shall conform to the standards adopted under subsection (b) of section 109 of this title.

(b) In determining the apportionment for any fiscal year under the provisions of subsection (b) (5) of section 104 of this title, any such project constructed by a State without the aid of Federal funds shall not be considered completed until an application under the provisions of this section with respect to such project has been approved by the Secretary.

#### § 116. Maintenance

(a) Except as provided in subsection (d) of this section, it shall be the duty of the State highway department to maintain, or cause to be maintained, any project constructed under the provisions of this chapter or constructed under the provisions of prior acts. The State's obligation to the United States to maintain any such project shall cease when it no longer constitutes a part of a Federal-aid system.

(b) In any State wherein the State highway department is without legal authority to maintain a project constructed on the Federal-aid secondary system, or within a municipality, such highway department shall enter into a formal agreement for its maintenance with the appropriate officials of the county or municipality in which such project is located.

(c) If at any time the Secretary shall find that any project constructed under the provisions of this chapter, or constructed under the provisions of prior acts, is not being properly maintained, he shall call such fact to the attention of the State highway department. If, within 90 days after receipt of such notice, such project has not been put in proper condition of maintenance, the Secretary shall withhold approval of further projects of all types in the entire State until such project shall have been put in proper

condition of maintenance, unless such project is subject to an agreement pursuant to subsection (b) of this section, in which case approval shall be withheld only for secondary or urban projects in the county or municipality where such project is located.

(d) The Federal-aid funds apportioned to the Territory of Alaska and the funds contributed by the Territory under section 120 of this title may be expended for the maintenance of roads within the system or systems of roads agreed upon under section 103 (f) of this title under the same terms and conditions as for the construction of such roads.

#### § 117. Secondary road responsibility

(a) The Secretary may, upon the request of any State highway department, discharge his responsibility relative to the plans, specifications, estimates, surveys, contract awards, design, inspection, and construction of all projects on the Federal-aid secondary system by his receiving and approving a certified statement by the State highway department setting forth that the plans, design, and construction for each such project are in accord with those standards and procedures which (1) were adopted by such State highway department, (2) were applicable to projects in this category, and (3) were approved by him.

(b) The Secretary shall not approve such standards and procedures unless they are in accordance with the provisions of subsection (b) of section 105, subsection (b) of section 106, and subsection (c) of section 109, of this title.

(c) Subsections (a) and (b) of this section shall not be construed to relieve the Secretary of his obligation to make a final inspection of each project after construction and to require an adequate showing of the estimated cost of construction and the actual cost of construction.

#### § 118. Availability of sums apportioned

(a) On and after the date that the Secretary has certified to each State highway department the sums apportioned to each Federal-aid system or part thereof pursuant to an authorization under this title, or under prior acts, such sums shall be available for expenditure under the provisions of this title.

(b) Such sums shall continue available for expenditure in that State for the appropriate Federal-aid system or part thereof for a period of 2 years after the close of the fiscal year for which such sums are authorized and any amounts so apportioned remaining unexpended at the end of such period shall lapse, except that any amount apportioned to the States for the Interstate System under subsection (b) (4) and (5) of section 104 of this title remaining unexpended at the end of the period during which it is available under this section shall lapse and shall immediately be reapportioned among the other States in accordance with the provisions of subsection (b) (5) of section 104 of this title. Such sums for any fiscal year shall be deemed to be expended if a sum equal to the total of the sums apportioned to the State for such fiscal year and previous fiscal years is covered by formal project agreements providing for the expenditure of funds authorized by each act which contains provisions authorizing the appropriation of funds for Federal-aid highways. Any Federal-aid highway funds released by the payment of the final voucher or by the modification of the formal project agreement shall be credited to the same class of funds, primary, secondary, urban, or interstate, previously apportioned to the State and be immediately available for expenditure.

(c) The total payments to any State shall not at any time during a current fiscal year exceed the total of all apportionments to such State in accordance with section 104 of this title for such fiscal year and all preceding fiscal years.



### § 119. Administration of Federal aid for highways in Alaska

(a) The Secretary shall administer the functions, duties, and authority pertaining to the construction, repair, and maintenance of roads, tramways, ferries, bridges, trails, and other works in Alaska, conferred upon the Department of the Interior and, prior to September 16, 1956, administered by the Secretary of the Interior under the act of June 30, 1932 (47 Stat. 446; 48 U. S. C., sec. 321a and following).

(b) The Secretary shall, by order or regulations, distribute the functions, duties, and authority required to be administered by him under subsection (a) of this section and appropriations pertaining thereto as he may deem proper to accomplish the economical and effective organization and administration thereof.

### § 120. Federal share payable

(a) Subject to the provisions of subsections (d) and (h) of this section, the Federal share payable on account of any project, financed with primary, secondary, or urban funds, on the Federal-aid primary system and the Federal-aid secondary system shall not exceed 50 per centum of the cost of construction, except that in the case of any State containing unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, exceeding 5 per centum of the total area of all lands therein, the Federal share shall be increased by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State, is of its total area.

(b) Subject to the provisions of subsection (d) of this section, the Federal share payable on account of any project, financed with interstate funds on the Interstate System, authorized to be appropriated prior to June 29, 1956, shall not exceed 60 per centum of the cost of construction, except that in the case of any State containing unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, exceeding 5 per centum of the total area of all lands therein, the Federal share shall be increased by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State, is of its total area. The provisions of subsection (a) of this section shall apply to any project financed with funds authorized by the provisions of section 2 of the Federal-Aid Highway Act of 1952.

(c) Subject to the provisions of subsection (d) of this section, the Federal share payable on account of any project on the Interstate System provided for by funds made available under the provisions of section 108 (b) of the Federal-Aid Highway Act of 1956 shall be increased to 90 per centum of the total cost thereof, plus a percentage of the remaining 10 per centum of such cost in any State containing unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, exceeding 5 per centum of the total area of all lands therein, equal to the percentage that the area of such lands in such State is of its total area, except that such Federal share payable on any project in any State shall not exceed 95 per centum of the total cost of such project.

(d) The Federal share payable on account of any project for the elimination of hazards of railway-highway crossings, as more fully described and subject to the conditions and limitations set forth in section 130 of this title, may amount to 100 per centum of the cost of construction of such projects, except that not more than 50 per centum of the right-of-way and property damage costs, paid from public funds, on any such project, may be paid from sums apportioned in accordance with section 104 of this title: *Provided*, That not more than 10 per centum of all the

sums apportioned for all the Federal-aid systems for any fiscal year in accordance with section 104 of this title shall be used under this subsection.

(e) The Secretary may rely on a statement from the Secretary of the Interior as to the area of the lands referred to in subsections (a) and (b) of this section. The Secretary of the Interior is authorized and directed to provide such statement annually.

(f) The Federal share payable on account of any repair or reconstruction provided for funds made available under section 125 of this title shall not exceed 50 per centum of the cost thereof.

(g) The Secretary is authorized to cooperate with the State highway departments and with the Department of the Interior in the construction of Federal-aid highways within Indian reservations and national parks and monuments under the jurisdiction of the Department of the Interior and to pay the amount assumed therefor from the funds apportioned in accordance with section 104 of this title to the State wherein the reservations and national parks and monuments are located.

(h) The Territory of Alaska shall contribute funds each fiscal year in an amount that shall be not less than 10 per centum of the Federal funds apportioned to it for such fiscal year, such contribution to be deposited in a special account in the Federal Treasury for use in conjunction with the Federal funds apportioned to the Territory. The Federal funds apportioned to the Territory of Alaska and the funds contributed by the Territory may be expended by the Secretary either directly or in cooperation with the Alaska Highway and Public Works Board and may be so expended separately or in combination and without regard to the matching provisions of this chapter.

### § 121. Payment to States for construction

(a) The Secretary may, in his discretion, from time to time as the work progresses, make payments to a State for costs of construction incurred by it on a project. These payments shall at no time exceed the Federal share of the costs of construction incurred to the date of the voucher covering such payment plus the Federal share of the value of the materials which have been stockpiled in the vicinity of such construction in conformity to plans and specifications for the project.

(b) After completion of a project in accordance with the plans and specifications, and approval of the final voucher by the Secretary, a State shall be entitled to payment out of the appropriate sums apportioned to it of the unpaid balance of the Federal share payable on account of such project.

(c) No payment shall be made under this chapter, except for a project located on a Federal-aid system and covered by a project agreement. No final payment shall be made to a State for its costs of construction of a project until the completion of the construction has been approved by the Secretary following inspections pursuant to section 114 (a) of this title.

(d) In making payments pursuant to this section, the Secretary shall be bound by the limitations with respect to the permissible amounts of such payments contained in sections 120 and 130 of this title. Payments for construction engineering on any one project shall not exceed the 10 per centum of the Federal share of the cost of construction of such project after excluding from the cost of construction the costs of rights-of-way, preliminary engineering, and construction engineering.

(e) Such payments shall be made to such official or officials or depository as may be designated by the State highway department and authorized under the laws of the State to receive public funds of the State.

### § 122. Payment to States for bond retirement

Any State that shall use the proceeds of bonds issued by the State, county, city, or other political subdivision of the State for the construction of one or more projects on the Federal-aid primary or Interstate System, or extensions of any of the Federal-aid highway systems in urban areas, may claim payment of any portion of the sums apportioned to it for expenditure on such system to aid in the retirement of the principal of such bonds at their maturities, to the extent that the proceeds of such bonds have been actually expended in the construction of one or more of such projects. Such claim for payment may be made only when all of the provisions of this title have been complied with to the same extent and with the same effect as though payment were to be made to the State under section 121 of this title, instead of this section, and the Federal share payable shall not exceed the pro rata basis of payment authorized in section 120 of this title. This section shall not be construed as a commitment or obligation on the part of the United States to provide funds for the payment of the principal of any such bonds.

### § 123. Relocation of utility facilities

(a) When a State shall pay for the cost of relocation of utility facilities necessitated by the construction of a project on the Federal-aid primary or secondary systems or on the Interstate System, including extensions thereof within urban areas, Federal funds may be used to reimburse the State for such cost in the same proportion as Federal funds are expended on the project. Federal funds shall not be used to reimburse the State under this section when the payment to the utility violates the law of the State or violates a legal contract between the utility and the State. Such reimbursement shall be made only after evidence satisfactory to the Secretary shall have been presented to him substantiating the fact that the State has paid such cost from its own funds with respect to Federal-aid highway projects for which Federal funds are obligated subsequent to April 16, 1958, for work, including relocation of utility facilities.

(b) The term "utility," for the purposes of this section, shall include publicly, privately, and cooperatively owned utilities.

(c) The term "cost of relocation," for the purposes of this section, shall include the entire amount paid by such utility properly attributable to such relocation after deducting therefrom any increase in the value of the new facility and any salvage value derived from the old facility.

### § 124. Advances to State

If the Secretary shall determine that it is necessary for the expeditious completion of projects on any of the Federal-aid systems, including the Interstate System, he may advance to any State out of any existing appropriations the Federal share of the cost of construction thereof to enable the State highway department to make prompt payments for acquisition of rights-of-way, and for the construction as it progresses. The sums so advanced shall be deposited in a special revolving trust fund, by the State official authorized under the laws of the State to receive Federal-aid highway funds, to be disbursed solely upon vouchers approved by the State highway department for rights-of-way which have been or are being acquired, and for construction which has been actually performed and approved by the Secretary pursuant to this chapter. Upon determination by the Secretary that any part of the funds advanced to any State under the provisions of this section are no longer required, the amount of the advance, which is determined to be in excess of current requirements of the State, shall be repaid upon his demand, and such repayments shall be returned to the credit of the appropriation



from which the funds were advanced. Any sum advanced and not repaid on demand shall be deducted from sums due the State for the Federal pro rata share of the cost of construction of Federal-aid projects.

#### § 125. Emergency relief

An emergency fund is authorized for expenditure by the Secretary in accordance with the provisions of this section. The Secretary may expend funds therefrom, after receipt of an application therefor from a State highway department, for the repair or reconstruction of highways and bridges on the Federal-aid highway systems, including the Interstate System, in accordance with the provisions of this chapter which he shall find have suffered serious damage as the result of disaster over a wide area, such as by floods, hurricanes, tidal waves, earthquakes, severe storms, landslides, or other catastrophes in any part of the United States. The appropriations of such moneys, not to exceed \$30 million, as may be necessary for the initial establishment of this fund and for its replenishment on an annual basis is authorized. Pending such appropriation or replenishment, the Secretary may expend from existing Federal-aid highway appropriations, such sums as may be necessary for the immediate prosecution of the work herein authorized, such existing appropriations to be reimbursed from the appropriation hereinabove authorized when made. No funds shall be expended under the provisions of this section with respect to any such catastrophe in any State unless an emergency has been declared by the Governor of such State and concurred in by the Secretary.

#### § 126. Diversion

(a) Since it is unfair and unjust to tax motor-vehicle transportation unless the proceeds of such taxation are applied to the construction, improvement, or maintenance of highways, after June 30, 1935, Federal aid for highway construction shall be extended only to those States that use at least the amounts provided by law on June 18, 1934, for such purposes in each State from State motor-vehicle registration fees, licenses, gasoline taxes, and other special taxes on motor-vehicle owners and operators of all kinds for the construction, improvement, and maintenance of highways and administrative expenses in connection therewith, including the retirement of bonds for the payment of which such revenues have been pledged, and for no other purposes, under such regulations as the Secretary of Commerce shall promulgate from time to time.

(b) In no case shall the provisions of this section operate to deprive any State of more than one-third of the entire apportionment authorized under this chapter to which that State would be entitled in any fiscal year. The amount of any reduction in a State's apportionment shall be reapportioned in the same manner as any other unexpended balance at the end of the period during which it otherwise would be available in accordance with section 104 (b) of this title.

#### § 127. Vehicle weight and width limitations—Interstate System

No funds authorized to be appropriated for any fiscal year under section 108 (b) of the Federal-Aid Highway Act of 1956 shall be apportioned to any State within the boundaries of which the Interstate System may lawfully be used by vehicles with weight in excess of 18,000 pounds carried on any one axle, or with a tandem-axle weight in excess of 32,000 pounds, or with an overall gross weight in excess of 73,280 pounds, or with a width in excess of 96 inches, or the corresponding maximum weights or maximum widths permitted for vehicles using the public highways of such State under laws or regulations established by appropriate State authority in effect on July 1,

1956, whichever is the greater. Any amount which is withheld from apportionment to any State pursuant to the foregoing provisions shall lapse. This section shall not be construed to deny apportionment to any State allowing the operation within such State of any vehicles or combinations thereof that could be lawfully operated within such State on July 1, 1956.

#### § 128. Public hearings

(a) Any State highway department which submits plans for a Federal-aid highway project involving the bypassing of, or going through, any city, town, or village, either incorporated or unincorporated, shall certify to the Secretary that it has had public hearings, or has afforded the opportunity for such hearings, and has considered the economic effects of such a location. Any State highway department which submits plans for an Interstate System project shall certify to the Secretary that it has had public hearings at a convenient location, or has afforded the opportunity for such hearings, for the purpose of enabling persons in rural areas through or contiguous to whose property the highway will pass to express any objections they may have to the proposed location of such highway.

(b) When hearings have been held under subsection (a), the State highway department shall submit a copy of the transcript of said hearings to the Secretary, together with the certification.

#### § 129. Toll roads, bridges and tunnels

(a) Notwithstanding the provisions of section 301 of this title, the Secretary may permit Federal participation, on the same basis and in the same manner as in the construction of free highways under this chapter, in the construction of any toll bridge, toll tunnel, or approach thereto, upon compliance with the conditions contained in this section. Such bridge, tunnel, or approach thereto, must be publicly owned and operated. Federal funds may participate in the approaches to a toll bridge or toll tunnel whether such bridge or tunnel is to be or has been constructed, or acquired, by the State or other public authority. The State highway department or departments must be a party or parties to an agreement with the Secretary whereby it or they undertake performance of the following obligations:

(1) all tolls received from the operation of the bridge or tunnel, less the actual cost of such operation and maintenance, shall be applied to the repayment to the State or other public authority of all of the costs of construction or acquisition of such bridge or tunnel, except that part which was contributed by the United States;

(2) no tolls shall be charged for the use of such bridge or tunnel after the State or other public authority shall have been so repaid; and

(3) after the date of final repayment, the bridge or tunnel shall be maintained and operated as a free bridge or free tunnel.

(b) Upon a finding by the Secretary that such action will promote the development of an integrated Interstate System, the Secretary is authorized to approve as part of the Interstate System any toll road, bridge, or tunnel, now or hereafter constructed which meets the standards adopted for the improvement of projects located on the Interstate System, when such toll road, bridge, or tunnel is located on a route heretofore or hereafter designated as a part of the Interstate System. No Federal-aid highway funds shall be expended for the construction, reconstruction, or improvement of any such toll road, except to the extent permitted by law after June 29, 1956. No Federal-aid highway funds shall be expended for the construction, reconstruction, or improvement of any such toll bridge or tunnel, except to the extent permitted by law on or after June 29, 1956.

(c) Funds authorized under prior acts for expenditure on any of the Federal-aid highway systems, including the Interstate System, shall be available for expenditure on projects approaching any toll road, bridge, or tunnel to a point where such project will have some use irrespective of its use for such toll road, bridge, or tunnel.

(d) Funds authorized for the Interstate System shall be available for expenditure on Interstate System projects approaching any toll road on the Interstate System, although the project has no use other than an approach to such toll road, if an agreement satisfactory to the Secretary has been reached with the State prior to the approval of such project—

(1) that the section of toll road will become free to the public upon the collection of tolls sufficient to liquidate the cost of the toll road or any bonds outstanding at the time constituting a valid lien against such section of toll road covered in the agreement and their maintenance and operation and debt service during the period of toll collections, and

(2) that there is one or more reasonably satisfactory alternate free routes available to traffic by which the toll section of the system may be bypassed.

#### § 130. Railway-highway crossings

(a) Except as provided in subsection (d) of section 120 of this title and subsection (b) of this section, the entire cost of construction of projects for the elimination of hazards of railway-highway crossings, including the separation or protection of grades at crossings, the reconstruction of existing railroad grade-crossing structures, and the relocation of highways to eliminate grade crossings, may be paid from sums apportioned in accordance with section 104 of this title. In any case when the elimination of the hazards of a railway-highway crossing can be effected by the relocation of a portion of a railway at a cost estimated by the Secretary to be less than the cost of such elimination by one of the methods mentioned in the first sentence of this section, then the entire cost of such relocation project, except as provided in subsection (d) of section 120 of this title and subsection (b) of this section, may be paid from sums apportioned in accordance with section 104 of this title.

(b) The Secretary may classify the various types of projects involved in the elimination of hazards of railway-highway crossings, and may set for each such classification a percentage of the costs of construction which shall be deemed to represent the net benefit to the railroad or railroads for the purpose of determining the railroad's share of the cost of construction. The percentage so determined shall in no case exceed 10 percent. The Secretary shall determine the appropriate classification of each project.

(c) Any railroad involved in a project for the elimination of hazards of railway-highway crossings paid for in whole or in part from sums made available for expenditure under this title, or prior acts, shall be liable to the United States for the net benefit to the railroad determined under the classification of such project made pursuant to subsection (b) of this section. Such liability to the United States may be discharged by direct payment to the State highway department of the State in which the project is located, in which case such payment shall be credited to the cost of the project. Such payment may consist in whole or in part of materials and labor furnished by the railroad in connection with the construction of such project. If any such railroad fails to discharge such liability within a 6-month period after completion of the project, it shall be liable to the United States for its share of the cost, and the Secretary shall request the Attorney General to institute proceedings against such



railroad for the recovery of the amount for which it is liable under this subsection. The Attorney General is authorized to bring such proceedings on behalf of the United States, in the appropriate district court of the United States, and the United States shall be entitled in such proceedings to recover such sums as it is considered and adjudged by the court that such railroad is liable for in the premises. Any amounts recovered by the United States under this subsection shall be credited to miscellaneous receipts.

### § 131. Areas adjacent to the Interstate System

(a) To promote the safety, convenience, and enjoyment of public travel and the free flow of interstate commerce and to protect the public investment in the National System of Interstate and Defense Highways, it is declared to be in the public interest to encourage and assist the States to control the use of and to improve areas adjacent to the Interstate System by controlling the erection and maintenance of outdoor advertising signs, displays, and devices adjacent to that system. It is declared to be a national policy that the erection and maintenance of outdoor advertising signs, displays, or devices within 660 feet of the edge of the right-of-way and visible from the main-traveled way of all portions of the Interstate System constructed upon any part of right-of-way, the entire width of which is acquired subsequent to July 1, 1956, should be regulated, consistent with national standards to be prepared and promulgated by the Secretary, which shall include only the following four types of signs, and no signs advertising illegal activities:

(1) Directional or other official signs or notices that are required or authorized by law.

(2) Signs advertising the sale or lease of the property upon which they are located.

(3) Signs erected or maintained pursuant to authorization or permitted under State law, and not inconsistent with the national policy and standards of this section, advertising activities being conducted at a location within 12 miles of the point at which such signs are located.

(4) Signs erected or maintained pursuant to authorization in State law and not inconsistent with the national policy and standards of this section, and designed to give information in the specific interest of the traveling public.

(b) The Secretary of Commerce is authorized to enter into agreements with State highway departments (including such supplementary agreements as may be necessary) to carry out the national policy set forth in subsection (a) of this section with respect to the Interstate System within the State. Any such agreement shall include provisions for regulation and control of the erection and maintenance of advertising signs, displays, and other advertising devices in conformity with the standards established in accordance with subsection (a) of this section and may include, among other things, provisions for preservation of natural beauty, prevention of erosion, landscaping reforestation, development of viewpoints for scenic attractions that are accessible to the public without charge, and the erection of markers, signs, or plaques, and development of areas in appreciation of sites of historical significance. Upon application of the State, any such agreement may, within the discretion of the Secretary of Commerce, consistent with the national policy, provide for excluding from application of the national standards segments of the Interstate System which traverse incorporated municipalities wherein the use of real property adjacent to the Interstate System is subject to municipal regulation or control, or which traverse other areas where the land use is clearly established by State law as in-

dustrial or commercial, and any such segment excluded from the application of such standards shall not be considered in computing the increase of the Federal share payable on account thereof.

(c) Notwithstanding the provisions of section 109 of this title, if an agreement pursuant to this section has been entered into with any State prior to July 1, 1961, the Federal share payable on account of any project on the Interstate System within that State provided for by funds authorized under the provisions of section 108 (b) of the Federal-Aid Highway Act of 1956, as amended by section 8 of the Federal-Aid Highway Act of 1958, to which the national policy and the agreement apply, shall be increased by one-half of 1 percent of the total cost thereof, not including any additional cost that may be incurred in the carrying out of the agreement. The increase in the Federal share which is payable hereunder shall be paid only from appropriations from moneys in the Treasury not otherwise appropriated, which such appropriations are hereby authorized.

(d) Whenever any portion of the Interstate System is located upon or adjacent to any public lands or reservations of the United States, the Secretary of Commerce may make such arrangements and enter into such agreements with the agency having jurisdiction over such lands or reservations as may be necessary to carry out the national policy set forth in subsection (a) of this section, and any such agency is authorized and directed to cooperate fully with the Secretary of Commerce in this connection.

(e) Whenever a State shall acquire by purchase or condemnation the right to advertise or regulate advertising in an area adjacent to the right-of-way of a project on the Interstate System for the purpose of implementing this section, the cost of such acquisition shall be considered as a part of the cost of construction of such project and Federal funds may be used to pay the Federal pro rata share of such cost. Reimbursement to the State shall be made only with respect to that portion of such cost which does not exceed 5 percent of the cost of the right-of-way for such project.

### Chapter 2—Other highways

#### Sec.

- 201. Authorizations.
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#### § 201. Authorizations.

The provisions of this title shall apply to all unappropriated authorizations contained in prior acts, and also to all unexpended appropriations heretofore made, providing for the expenditure of Federal funds on the following classes of highways: Forest highways, forest development roads and trails, park roads and trails, parkways, Indian reservation roads, public lands highways, and defense access roads. All such authorizations and appropriations shall continue in full force and effect, but hereafter obligations entered into and expenditures made pursuant thereto shall be subject to the provisions of this title.

#### § 202. Apportionment or allocation

(a) On or before January 1 next preceding the commencement of each fiscal year, the Secretary shall apportion the sums authorized to be appropriated for such fiscal year for forest highways in the several States, ac-

cording to the area and value of the land owned by the United States within the national forests therein, which the Secretary of Agriculture is directed to determine and certify to the Secretary from such information, sources, and departments as the Secretary of Agriculture may deem most accurate.

(b) Sums authorized to be appropriated for forest-development roads and trails shall be allocated by the Secretary of Agriculture according to the relative needs of the various national forests, taking into consideration the existing transportation facilities, value of timber or other resources served, relative fire danger, and comparative difficulties of road and trail construction.

(c) Sums authorized to be appropriated for public lands highways shall be allocated by the Secretary among those States having unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations, on the basis of need in such States, respectively, as determined by the Secretary upon application of the State highway departments of the respective States. Preference shall be given to those projects which are located on a Federal-aid system.

#### § 203. Availability of funds

Funds now authorized for forest highways, forest-development roads and trails, park roads and trails, parkways, Indian reservation roads, and public lands highways shall be available for contract upon apportionment, or a date not earlier than 1 year preceding the beginning of the fiscal year for which authorized if no apportionment is required. Any amount remaining unexpended for a period of 2 years after the close of the fiscal year for which authorized shall lapse. The Secretary of the Department charged with the administration of such funds is granted authority to incur obligations, approve projects, and enter into contracts under such authorizations and his action in doing so shall be deemed a contractual obligation of the United States for the payment of the cost thereof and such funds shall be deemed to have been expended when so obligated. Any funds heretofore or hereafter authorized for any fiscal year for forest highways, forest-development roads and trails, park roads and trails, parkways, Indian roads, and public lands highways shall be deemed to have been expended if a sum equal to the total of the sums authorized for such fiscal year and previous fiscal years since and including the fiscal year ending June 30, 1955, shall have been obligated. Any of such funds released by payment of final voucher or modification of project authorizations shall be credited to the balance of unobligated authorizations and be immediately available for expenditure.

#### § 204. Forest highways

(a) Funds available for forest highways shall be used by the Secretary to pay for the cost of construction and maintenance thereof. In connection therewith, the Secretary may enter into construction contracts and such other contracts with a State, or civil subdivision thereof, as he deems advisable.

(b) Cooperation of States, counties, or other local subdivisions may be accepted but shall not be required by the Secretary.

(c) Construction estimated to cost \$5,000 or more per mile, exclusive of bridges, shall be advertised and let to contract. If such estimated cost is less than \$5,000 per mile or if, after proper advertising, no acceptable bid is received or the bids are deemed excessive, the work may be done by the Secretary on his own account. For such purpose, the Secretary may purchase, lease, hire, rent, or otherwise obtain all necessary supplies, materials, tools, equipment, and facilities required to perform the work, and may pay wages, salaries, and other expenses for help employed in connection with such work.



(d) All appropriations for forest highways shall be administered in conformity with regulations jointly approved by the Secretary and the Secretary of Agriculture.

(e) The Secretary shall transfer to the Secretary of Agriculture from appropriations for forest highways such amounts as may be needed to cover necessary administrative expenses of the Forest Service in connection with the forest-highway program.

(f) Funds available for forest highways shall be available for adjacent vehicular parking areas and for sanitary, water, and fire-control facilities.

#### § 205. Forest-development roads and trails

(a) Funds available for forest-development roads and trails shall be used by the Secretary of Agriculture to pay for the cost of construction and maintenance thereof, including roads and trails, on experimental areas under Forest Service administration. In connection therewith, the Secretary of Agriculture may enter into construction contracts with a State, or civil subdivision thereof, and issue such regulations as he deems advisable.

(b) Cooperation of States, counties, or other local subdivisions may be accepted but shall not be required by the Secretary of Agriculture.

(c) Construction estimated to cost \$10,000 or more per mile, exclusive of bridges, shall be advertised and let to contract. If such estimated cost is less than \$10,000 per mile or if, after proper advertising, no acceptable bid is received or the bids are deemed excessive, the work may be done by the Secretary of Agriculture on his own account. For such purpose, the Secretary of Agriculture may purchase, lease, hire, rent, or otherwise obtain all necessary supplies, materials, tools, equipment, and facilities required to perform the work, and may pay wages, salaries, and other expenses for help employed in connection with such work.

(d) Funds available for forest development roads and trails shall be available for adjacent vehicular parking areas and for sanitary, water, and fire control facilities.

#### § 206. Park roads and trails

(a) Funds available for park roads and trails shall be used to pay for the cost of construction and improvement thereof.

(b) Appropriations for the construction and improvement of park roads shall be administered in conformity with regulations jointly approved by the Secretary and the Secretary of the Interior.

#### § 207. Parkways

(a) Funds available for parkways shall be used to pay for the cost of construction and improvement thereof.

(b) Appropriations for the construction of parkways shall be administered in conformity with regulations jointly approved by the Secretary and the Secretary of the Interior.

(c) The location of parkways upon public lands, national forests, or other Federal reservations, shall be determined by agreement between the department having jurisdiction over such lands and the Secretary of the Interior.

#### § 208. Indian reservation roads

(a) Funds available for Indian reservation roads and bridges shall be used to pay for the cost of construction and improvement thereof.

(b) The Secretary shall approve the location, type, and design of all projects for Indian reservation roads and bridges before any expenditures are made thereon and all construction thereof shall be under the general supervision of the Secretary.

(c) Indian labor may be employed in such construction and improvement under such rules and regulations as may be prescribed by the Secretary of the Interior.

#### § 209. Public lands highways

(a) Funds available for public lands highways shall be used by the Secretary to pay for the cost of construction and maintenance thereof.

(b) The Secretary is authorized to cooperate with the State highway departments and with the Secretary of the Department having jurisdiction over the particular lands, in the survey, construction, and maintenance of public lands highways.

(c) The provisions of section 112 of this title are applicable to public lands highways.

#### § 210. Defense access roads

(a) The Secretary is authorized, out of the funds appropriated for defense access roads, to provide for the construction and maintenance of defense access roads (including bridges, tubes, and tunnels thereon) to military reservations, to defense industries and defense industry sites, and to the sources of raw materials when such roads are certified to the Secretary as important to the national defense by the Secretary of Defense or such other official as the President may designate, and for replacing existing highways and highway connections that are shut off from the general public use by necessary closures or restrictions at military reservations and defense industry sites.

(b) Funds appropriated for the purposes of this section shall be available, without regard to apportionment among the several States, for paying all or any part of the cost of the construction and maintenance of defense access roads.

(c) Not exceeding \$5 million of any funds appropriated under the act approved October 16, 1951 (65 Stat. 422), may be used by the Secretary in areas certified to him by the Secretary of Defense as maneuver areas for such construction, maintenance, and repair work as may be necessary to keep the highways therein, which have been or may be used for training of the Armed Forces, in suitable condition for such training purposes and for repairing the damage caused to such highways by the operations of men and equipment in such training.

(d) Whenever any project for the construction of a circumferential highway around a city or of a radial intracity route thereto submitted by any State is certified by the Secretary of Defense, or such other official as the President may designate, as being important for civilian or military defense, such project may be constructed out of the funds heretofore or hereafter authorized to be appropriated for defense access roads.

(e) If the Secretary shall determine that the State highway department of any State is unable to obtain possession and the right to enter upon and use the required rights-of-way, lands, or interest in lands, improved or unimproved, required for any project authorized by this section with sufficient promptness, the Secretary is authorized to acquire, enter upon, take possession thereof, and expend funds for projects thereon, prior to approval of title by the Attorney General, in the name of the United States, such rights-of-way, lands, or interest in lands as may be required in such State for such projects by purchase, donation, condemnation, or otherwise in accordance with the laws of the United States (including the act of February 26, 1931; 46 Stat. 1421). The cost incurred by the Secretary in acquiring any such rights-of-way, lands, or interest in lands may include the cost of examination and abstract of title, certificate of title, advertising, and any fees incidental to such acquisition; and shall be payable out of the funds available for paying the cost or the Federal share of the cost of the project for which such rights-of-way, lands, or interests in lands are acquired. The Secretary is further authorized

and directed by proper deed executed in the name of the United States to convey any lands or interests in lands acquired in any State under the provisions of prior acts or of this section to the State highway department of such State or to such political subdivision thereof as its laws may provide, upon such terms and conditions as may be agreed upon by the Secretary and the State highway department, or political subdivisions to which the conveyance is to be made.

(f) The provisions of section 112 of this title are applicable to defense access roads.

#### § 211. Timber access road hearings

With respect to any proposed construction of a timber access road from funds authorized for carrying out the provisions of sections 204, 205, and 210 of this title, advisory public hearings may be held at a place of convenient or adjacent to the area of construction with notice and reasonable opportunity for interested persons to present their views as to the practicability and feasibility of such construction.

#### § 212. Inter-American Highway

(a) Funds appropriated for the Inter-American Highway shall be used to enable the United States to cooperate with the Governments of the American Republics situated in Central America—that is, with the Governments of the Republic of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama—in the survey and construction of the Inter-American Highway within the borders of the aforesaid Republics, respectively. Not to exceed one-third of the appropriation authorized for each fiscal year may be expended without requiring the country or countries in which such funds may be expended to match any part thereof, if the Secretary of State shall find that the cost of constructing said highway in such country or countries will be beyond their reasonable capacity to bear. The remainder of such authorized appropriations shall be available for expenditure only when matched to the extent required by this section by the country in which such expenditure may be made. Expenditures from the funds available on a matching basis shall not be made for the survey and construction of any portion of said highway within the borders of any country named herein unless such country shall provide and make available for expenditure in conjunction therewith a sum equal to at least one-third of the expenditures that may be incurred by that Government and the United States on such portion of the highway. All expenditures by the United States under the provisions of this section for material, equipment, and supplies shall, whenever practicable, be made for products of the United States or of the country in which such survey or construction work is being carried on. Construction work to be performed under contract shall be advertised for a reasonable period by the Minister of Public Works, or other similar official, of the government concerned in each of the participating countries and contracts shall be awarded pursuant to such advertisements with the approval of the Secretary. No part of the appropriations authorized shall be available for obligation or expenditure for work on said highway in any cooperating country unless the government of said country shall have assented to the provisions of this section; shall have furnished satisfactory assurances that it has an organization adequately qualified to administer the functions required of such country under the provisions hereof; and then only as such country may submit requests, from time to time, for the construction of any portion of the highway to standards adequate to meet present and future traffic needs. No part of said appropriations shall be available for obligation or expenditure in any such country until the government of that country shall have



entered into an agreement with the United States which shall provide, in part, that said country—

(1) will provide, without participation of funds authorized, all necessary rights-of-way for the construction of said highway, which rights-of-way shall be of a minimum width where practicable of one hundred meters in rural areas and fifty meters in municipalities and shall forever be held inviolate as a part of the highway for public use;

(2) will not impose any highway toll, or permit any such toll to be charged, for use by vehicles or persons of any portion of said highway constructed under the provisions of this section;

(3) will not levy or assess, directly or indirectly, any fee, tax, or other charge for the use of said highway by vehicles or persons from the United States that does not apply equally to vehicle or persons of such country;

(4) will continue to grant reciprocal recognition of vehicle registration and drivers' licenses in accordance with the provisions of the Convention for the Regulation of Inter-American Automotive Traffic, which was opened for signature at the Pan American Union in Washington on December 15, 1943, and to which such country and the United States are parties; or any other treaty or international convention establishing similar reciprocal recognition; and

(5) will provide for the maintenance of said highway after its completion in condition adequately to serve the needs of present and future traffic.

(b) The survey and construction work authorized by this section shall be under the administration of the Secretary, who shall consult with the appropriate officials of the Department of State with respect to matters involving the foreign relations of this Government, and such negotiations with the Governments of the American Republics named in subsection (a) of this section as may be required to carry out the purposes of this section shall be conducted through, or as authorized by, the Department of State.

(c) The provisions of this section shall not create nor authorize the creation of any obligations on the part of the Government of the United States with respect to any expenditures for highway construction or survey heretofore or hereafter undertaken in any of the countries enumerated in subsection (a) of this section, other than the expenditures authorized by the provisions of this section.

(d) Appropriations made pursuant to any authorizations heretofore, or hereafter enacted for the Inter-American Highway shall be considered available for expenditure by the Secretary for necessary administrative and engineering expenses in connection with the Inter-American Highway program.

#### § 213. Rama Road

(a) Recognizing the mutual benefits that will accrue to the Republic of Nicaragua and to the United States from the completion of the road from San Benito to Rama in said Republic of Nicaragua, the construction of which road was begun and partially completed pursuant to an agreement between said Republic and the United States, the Secretary is authorized out of the funds appropriated for such purposes to provide for the construction of such road. Appropriations made for such purposes shall remain available until expended. No expenditure shall be made hereunder for the construction of said road until a request therefor shall have been received by the Secretary of State from the Government of the Republic of Nicaragua nor until an agreement shall have been entered into by said Republic with the Secretary of State which shall provide, in part, that said Republic—

(1) will provide, without participation of funds authorized under this title, or under prior Acts, all necessary right-of-way for the construction of said highway, which right-of-way shall be of a minimum width, where practicable, of 100 meters in rural areas and 60 meters in municipalities and shall forever be held inviolate as a part of the highway for public use;

(2) will not impose any highway toll, or permit any such toll to be charged for the use of said highway by vehicles or persons;

(3) will not levy or assess, directly or indirectly, any fee, tax, or other charge for the use of said road by vehicles or persons from the United States that does not apply equally to vehicles or persons of such Republic;

(4) will continue to grant reciprocal recognition of vehicle registration and drivers' licenses in accordance with the provisions of the Convention for the Regulation of Inter-American Automotive Traffic, which was opened for signature at the Pan American Union in Washington on December 15, 1943, and to which such Republic and the United States are parties; or any other treaty or international convention establishing similar reciprocal recognition; and

(5) will maintain said road after its completion in proper condition adequately to serve the needs of present and future traffic.

(b) The funds appropriated for such purposes shall be available for expenditure in accordance with the terms of this section for the survey and construction of said road from San Benito to Rama in the Republic of Nicaragua without being matched by said Republic, and all expenditures made under the provisions of this section for materials, equipment, and supplies, shall, whenever practicable, be made for products of the United States or of the Republic of Nicaragua.

(c) The survey and construction work undertaken pursuant to this section shall be under the general supervision of the Secretary.

#### Chapter 3—General provisions

##### Sec.

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#### § 301. Freedom from tolls

Except as provided in section 129 of this title with respect to certain toll bridges and toll tunnels, all highways constructed under the provisions of this title shall be free from tolls of all kinds.

#### § 302. State highway department

(a) Any State desiring to avail itself of the provisions of this title shall have a State

highway department which shall have adequate powers, and be suitably equipped and organized to discharge to the satisfaction of the Secretary the duties required by this title. Among other things, the organization shall include a secondary road unit.

(b) The State highway department may arrange with a county or group of counties for competent highway engineering personnel suitably organized and equipped to the satisfaction of the State highway department, to supervise construction and maintenance on a county-unit or group-unit basis, for the construction of projects on the Federal-aid secondary system, financed with secondary funds, and for the maintenance thereof.

#### § 303. Bureau organization

(a) The Bureau of Public Roads shall be in the Department of Commerce as a primary unit administered by the Federal Highway Administrator, appointed by the President by and with the advice and consent of the Senate. The Administrator shall receive basic compensation at the rate prescribed by law for Assistant Secretaries of executive departments and shall perform such duties as the Secretary of Commerce may prescribe or as may be required by law. There shall be a Commissioner of Public Roads in the Bureau of Public Roads who shall be appointed by the Secretary and perform such duties as may be prescribed by the Federal Highway Administrator. The Commissioner of Public Roads shall receive basic compensation at the rate of \$17,500 per annum.

(b) The Secretary is authorized to employ such assistants, clerks, and other persons in the city of Washington and elsewhere, to be taken from the eligible lists of the Civil Service Commission, to rent buildings outside of the city of Washington, to purchase such supplies, material, equipment, office fixtures and apparatus, to advertise in the city of Washington for work to be performed in areas adjacent thereto, and to incur, and authorize the incurring of, such travel and other expenses as he may deem necessary for carrying out the functions under this title.

(c) The Secretary is authorized to procure temporary services in accordance with the provisions of section 15 of the act of August 2, 1946 (5 U. S. C. 55a), but at rates for individuals not in excess of \$100 per diem.

#### § 304. Participation by small-business enterprises

It is declared to be in the national interest to encourage and develop the actual and potential capacity of small business and to utilize this important segment of our economy to the fullest practicable extent in construction of the Federal-aid highway systems, including the Interstate System. In order to carry out that intent and encourage full and free competition, the Secretary should assist, insofar as feasible, small-business enterprises in obtaining contracts in connection with the prosecution of the highway program.

#### § 305. Archeological and paleontological salvage

Funds authorized to be appropriated under the Federal-Aid Highway Act of 1956, to the extent approved as necessary by the highway department of any State, may be used for archeological and paleontological salvage in that State in compliance with the act entitled "An act for the preservation of American antiquities," approved June 8, 1906 (34 Stat. 225), and State laws where applicable.

#### § 306. Mapping

In carrying out the provision of this title, the Secretary may, wherever practicable, authorize the use of photogrammetric methods in mapping, and the utilization of commercial enterprise for such services.



### § 307. Research and planning

(a) The Secretary is authorized in his discretion to engage in research on all phases of highway construction, modernization, development, design, maintenance, safety, financing, and traffic conditions, including the effect thereon of State laws and is authorized to test, develop, or assist in the testing and developing of any material, invention, patented article, or process. The Secretary may publish the results of such research. The Secretary may carry out the authority granted hereby, either independently, or in cooperation with any other branch of the Government, State agency, authority, association, institution, corporation (profit or nonprofit), or any other organization, or person. The funds required to carry out the provisions of this subsection shall be taken out of the administrative and research funds authorized by section 104 of this title and such funds as may be deposited in a special account with the Secretary of the Treasury for such purposes by any cooperating organization or person. The provisions of section 3709 of the Revised Statutes, as amended (41 U. S. C. 5), shall not be applicable to contracts or agreements made under the authority of this subsection.

(b) The Secretary shall include in the highway research program herein authorized studies of economic highway geometrics, structures, and desirable weight and size standards for vehicles using the public highways and of the feasibility of uniformity in State regulations with respect to such standards and he shall report from time to time to the Committees on Public Works of the Senate and of the House of Representatives on the progress and findings with respect to such studies.

(c) Not to exceed 1½ percent of the sums apportioned for any year to any State under section 104 of this title shall be available for expenditure upon request of the State highway department, with the approval of the Secretary, with or without State funds, for engineering and economic surveys and investigations, for the planning of future highway programs and the financing thereof, for studies of the economy, safety, and convenience of highway usage and the desirable regulation and equitable taxation thereof, and for research necessary in connection with the planning, design, construction, and maintenance of highways and highway systems, and the regulation and taxation of their use.

### § 308. Cooperation with Federal and State agencies and foreign countries

(a) The Secretary is authorized to perform by contract or otherwise, authorized engineering or other services in connection with the survey, construction, maintenance, or improvement of highways for other Government agencies, cooperating foreign countries, and State cooperating agencies, and reimbursement for such services, which may include depreciation on engineering and road-building equipment used, shall be credited to the appropriation concerned.

(b) Appropriations for the work of the Bureau of Public Roads shall be available for expenses of warehouse maintenance and the procurement, care, and handling of supplies, materials, and equipment for distribution to projects under the supervision of the Bureau of Public Roads, or for sale or distribution to other Government agencies, cooperating foreign countries, and State cooperating agencies, and the cost of such supplies and materials or the value of such equipment, including the cost of transportation and handling, may be reimbursed to current applicable appropriations.

### § 309. Cooperation with other American Republics

The President is authorized to utilize the services of the Bureau of Public Roads in fulfilling the obligations of the United States

under the Convention on the Pan-American Highway Between the United States and Other American Republics (51 Stat. 152), co-operating with several governments, members of the Organization of American States, in connection with the survey and construction of the Inter-American Highway, and for performing engineering service in the other American Republics for and upon the request of any agency or governmental corporation of the United States. To the extent authorized in appropriation acts, administrative funds available in accordance with subsection (a) of section 104 of this title shall be available annually for the purpose of this section.

### § 310. Civil defense

In order to assure that adequate consideration is given to civil defense aspects in the planning and construction of highways constructed or reconstructed with the aid of Federal funds, the Secretary of Commerce is authorized and directed to consult, from time to time, with the Federal Civil Defense Administrator relative to the civil defense aspects of highways so constructed or reconstructed.

### § 311. Highway improvements strategically important to the national defense

Funds made available under subsection (a) of section 104 of this title may be used to pay the entire engineering costs of the surveys, plans, specifications, estimates, and supervision of construction of projects for such urgent improvements of highways strategically important from the standpoint of the national defense as may be undertaken on the order of the Secretary and as the result of request of the Secretary of Defense or such other official as the President may designate. With the consent of a State, funds made available under subsection (b) of section 104 of this title may be used to the extent deemed necessary and advisable by the Secretary to carry out the provisions of this section.

### § 312. Detail of Army, Navy, and Air Force officers

The Secretary of Defense, upon request of the Secretary, is authorized to make temporary details to the Bureau of Public Roads of officers of the Army, the Navy, and the Air Force, without additional compensation, for technical advice and for consultation regarding highway needs for the national defense. Travel and subsistence expenses of officers so detailed shall be paid from appropriations available to the Department of Commerce on the same basis as authorized by law and by regulations of the Department of Defense for such officers.

### § 313. Highway Safety Conference

The Secretary is authorized and directed to assist in carrying out the action program of the President on highway safety, and to cooperate with the State highway departments and other agencies in this program to advance the cause of safety on highways. Not to exceed \$150,000 out of the administrative funds made available in accordance with subsection (a) of section 104 of this title may be expended annually for the purposes of this section.

### § 314. Relief of employees in hazardous work

The Secretary is authorized in an emergency to use appropriations to the Department of Commerce for carrying out the provisions of this title for medical supplies, services, and other assistance necessary for the immediate relief of employees of the Bureau of Public Roads engaged in hazardous work.

### § 315. Rules, regulations, and recommendations

Except as provided in sections 204 (d), 205 (a), 206 (b), 207 (b), and 208 (c) of this title, the Secretary is authorized to prescribe and promulgate all needful rules and regulations for the carrying out of the provisions of this title. The Secretary may make such

recommendations to the Congress and State highway departments as he deems necessary for preserving and protecting the highways and insuring the safety of traffic thereon.

### § 316. Consent by United States to conveyance of property

For the purposes of this title the consent of the United States is given to any railroad or canal company to convey to the State highway department of any State, or its nominee, any part of its right-of-way or other property in that State acquired by grant from the United States.

### § 317. Appropriation for highway purposes of lands or interests in lands owned by the United States

(a) If the Secretary determines that any part of the lands or interests in lands owned by the United States is reasonably necessary for the right-of-way of any highway, or as a source of materials for the construction or maintenance of any such highway adjacent to such lands or interests in lands, the Secretary shall file with the Secretary of the Department supervising the administration of such lands or interests in lands a map showing the portion of such lands or interests in lands which it is desired to appropriate.

(b) If within a period of 4 months after such filing, the Secretary of such Department shall not have certified to the Secretary that the proposed appropriation of such land or material is contrary to the public interest or inconsistent with the purposes for which such land or materials have been reserved, or shall have agreed to the appropriation and transfer under conditions which he deems necessary for the adequate protection and utilization of the reserve, then such land and materials may be appropriated and transferred to the State highway department, or its nominee, for such purposes and subject to the conditions so specified.

(c) If at any time the need for any such lands or materials for such purposes shall no longer exist, notice of the fact shall be given by the State highway department to the Secretary and such lands or materials shall immediately revert to the control of the Secretary of the Department from which they had been appropriated.

(d) The provisions of this section shall apply only to projects constructed on a Federal-aid system or under the provisions of chapter 2 of this title.

### § 318. Highway relocation due to airport

Federal highway funds shall not be used for the reconstruction or relocation of any highway giving access to an airport constructed or extended after December 20, 1944, or for the reconstruction or relocation of any highway which has been or may be closed or the usefulness of which has been or may be impaired by the location or construction of any airport constructed or extended after December 20, 1944, unless, prior to such construction or extension, as the case may be, the State highway department and the Secretary have concurred with the officials in charge of the airport that the location of such airport or extension thereof and the consequent reconstruction or relocation of the highway are in the public interest.

### § 319. Landscaping

The construction of highways by the States with funds apportioned in accordance with section 104 of this title may include such roadside and landscape development, including such sanitary and other facilities as may be deemed reasonably necessary to provide for the suitable accommodation of the public, all within the highway right-of-way and adjacent publicly owned or controlled rest and recreational areas of limited size and with provision for



convenient and safe access thereto by pedestrian and vehicular traffic, as may be approved by the Secretary. Such construction likewise may include the purchase of such adjacent strips of land of limited width and primary importance for the preservation of the natural beauty through which highways are constructed, as may be approved by the Secretary. Not to exceed 3 percent of such sums, apportioned to a State in any fiscal year in accordance with section 104 of this title may be used by it for the purchase of such adjacent strips of land without being matched by such State.

### § 320. Bridges on Federal dams

(a) Each executive department, independent establishment, office, board, bureau, commission, authority, administration, corporation wholly owned or controlled by the United States, or other agency of the Government of the United States, hereinafter collectively and individually referred to as "agency," which on or after July 29, 1946, has jurisdiction over and custody of any dam constructed or to be constructed and owned by or for the United States, is authorized, with any funds available to it, to design and construct any such dam in such manner that it will constitute and serve as a suitable and adequate foundation to support a public highway bridge upon and across such dam, and to design and construct upon the foundation thus provided a public highway bridge upon and across such dam. The highway department of the State in which such dam shall be located, jointly with the Secretary, shall first determine and certify to such agency that such bridge is economically desirable and needed as a link in the State- or Federal-aid highway systems, and shall request such agency to design and construct such dam so that it will serve as a suitable and adequate foundation for a public highway bridge and to design and construct such public highway bridge upon and across such dam, and shall agree to reimburse such agency pursuant to subsection (d) of this section for any additional costs which it may be required to incur because of the design and construction of such dam so that it will serve as a foundation for a public highway bridge and for expenditures which it may find it necessary to make in designing and constructing such public highway bridge upon and across such dam. In no case shall the design and construction of a bridge upon and across such dam be undertaken hereunder except by the agency having jurisdiction over and custody of the dam, acting directly or through contractors employed by it, and after such agency shall determine that it will be structurally feasible and will not interfere with the proper functioning and operation of the dam.

(b) Construction of any bridge upon and across any dam pursuant to this section shall not be commenced unless and until the State in which such bridge is to be located, or the appropriate subdivision of such State, shall enter into an agreement with such agency and with the Secretary to construct, or cause to be constructed, with or without the aid of Federal funds, the approach roads necessary to connect such bridge with existing public highways and to maintain, or cause to be maintained, such approach roads from and after their completion. Such agreement may also provide for the design and construction of such bridge upon and across the dam by such agency of the United States and for reimbursing such agency the costs incurred by it in the design and construction of the bridge as provided in subsection (d) of this section. Any such agency is hereby authorized to convey to the State, or to the appropriate subdivision thereof, without costs, such easements and rights-of-way in its custody or over lands of the United States in its custody and control

as may be necessary, convenient, or proper for the location, construction, and maintenance of the approach roads referred to in this section including such roadside parks or recreational areas of limited size as may be deemed necessary for the accommodation of the traveling public. Any bridge constructed pursuant to this section upon and across a dam in the custody and jurisdiction of any agency of the United States, including such portion thereof, if any, as may extend beyond the physical limits of the dam, shall constitute and remain a part of said dam and be maintained by the agency. Any such agency may enter into any such contracts and agreements with the State or its subdivisions respecting public use of any bridge so located and constructed as may be deemed appropriate, but no such bridge shall be closed to public use by the agency except in cases of emergency or when deemed necessary in the interest of national security.

(c) All costs and expenses incurred and expenditures made by any agency in the exercise of the powers and authority conferred by this section (but not including any costs, expenses, or expenditures which would have been required in any event to satisfy a legal road or bridge relocation obligation or to meet operating or other agency needs) shall be recorded and kept separate and apart from the other costs, expenses, and expenditures of such agency, and no portion thereof shall be charged or allocated to flood control, navigation, irrigation, fertilized production, the national defense, the development of power, or other program, purpose, or function of such agency.

(d) Not to exceed \$10 million of any money heretofore or hereafter appropriated for expenditure in accordance with the provisions of this title or prior acts shall be available for expenditure by the Secretary in accordance with the provisions of this section, as an emergency fund, to reimburse any agency for any additional costs or expenditures which it may be required to incur because of the design and construction of any such dam so that it will constitute and serve as a foundation for a public highway bridge upon and across such dam and to reimburse any such agency for any costs, expenses, or expenditures which it may be required to make in designing and constructing any such bridge upon and across a dam in accordance with the provisions of this section, except such costs, expenses, or expenditures as would have been required of such agency in any event to satisfy a legal obligation to relocate a highway or bridge or to meet operating or other agency needs, and there is authorized to be appropriated any sum or sums necessary to reimburse the funds so expended by the Secretary from time to time under the authority of this section. Of each bridge constructed upon and across a dam under the provisions of this section, there may be financed wholly with Federal funds that portion thereof which is located within the physical limits of the masonry structure, or structures, of the dam, and the Secretary shall in his sole discretion determine what additional portion of the bridge, if any, may be so financed, such determination to be final and conclusive. The remainder of the bridge, and any necessary related approach roads, shall be financed by the State or its appropriate subdivision with or without the aid of Federal funds; but said portion of the bridge so financed by the State or its subdivisions, including such portion thereof, if any, as may extend beyond the physical limits of the dam, shall nevertheless be designed and constructed solely by the agency having custody and jurisdiction of the dam as provided in subsection (a) of this section.

(e) In making, reviewing, or approving the design of any bridge or approach struc-

ture to be constructed under this section, the agency shall, in matters relating to roadway design, loadings, clearances and widths, and traffic safeguards, give full consideration to and be guided by the standards and advice of the Secretary.

(f) The authority conferred by this section shall be in addition to and not in limitation of authority conferred upon any agency by any other law, and nothing in this section contained shall affect or be deemed to relate to any bridge, approach structure, or highway constructed or to be constructed by any such agency in furtherance of its lawful purposes and requirements or to satisfy a legal obligation incurred independently of this section.

### REPEAL OF PRIOR ACTS

SEC. 2. The following acts and portion of acts cited by reference to the Statutes at Large, except for the provisions and sections hereinafter excepted, are hereby repealed:

1. Act of July 11, 1916 (39 Stat., ch. 241, p. 355).
2. Sections 5, 6, 7, 8, and 9 of act of February 28, 1919 (40 Stat., ch. 60, p. 1189 at 1200-1202).
3. Act of November 9, 1921 (42 Stat., ch. 119, p. 212).
4. Section 4 of act of June 19, 1922 (42 Stat., ch. 227, p. 652 at 660-661).
5. Section 1 of act of March 10, 1924 (43 Stat., ch. 46, p. 17).
6. Act of February 12, 1925 (43 Stat., ch. 219, p. 889).
7. Act of June 22, 1926 (44 Stat., ch. 648, p. 760).
8. Act of March 3, 1927 (44 Stat., ch. 370, p. 1398).
9. Act of May 21, 1928 (45 Stat., ch. 660, p. 683).
10. Act of May 26, 1928 (45 Stat., ch. 755, p. 750).
11. Act of April 4, 1930 (46 Stat., ch. 105, p. 141).
12. Act of May 5, 1930 (46 Stat., ch. 226, p. 261).
13. Act of June 24, 1930 (46 Stat., ch. 593, p. 805).
14. Act of February 20, 1931 (46 Stat., ch. 231, p. 1173).
15. Act of February 23, 1931 (46 Stat., ch. 283, p. 1415).
16. Section 304 of act of July 21, 1932 (47 Stat., ch. 520, p. 709 at 722).
17. Subsection (g) of section 204 of act of June 16, 1933 (48 Stat., ch. 90, p. 195 at 204).
18. Act of June 18, 1934 (48 Stat., ch. 586, p. 993).
19. Act of June 16, 1936 (49 Stat., ch. 582, p. 1519).
20. Act of June 23, 1936 (49 Stat., ch. 730, p. 1891).
21. Act of June 8, 1938 (52 Stat., ch. 328, p. 633), except the following provision: Section 4 thereof.
22. Act of July 19, 1939 (53 Stat., ch. 328, p. 1066).
23. Act of September 5, 1940 (54 Stat., ch. 715, p. 867).
24. Act of November 19, 1941 (55 Stat., ch. 474, p. 765).
25. Act of July 2, 1942 (56 Stat., ch. 474, p. 562).
26. Act of July 13, 1943 (57 Stat., ch. 236, p. 560), except the following provision: Subsection (a) of section 7 thereof.
27. Act of April 4, 1944 (58 Stat., ch. 164, p. 189).
28. Act of December 20, 1944 (58 Stat., ch. 626, p. 838).
29. Act of July 31, 1945 (59 Stat., ch. 333, p. 507).
30. Act of July 29, 1946 (60 Stat., ch. 694, p. 709).
31. Act of June 21, 1947 (61 Stat., ch. 114, p. 136).
32. Act of June 29, 1948 (62 Stat., ch. 732, p. 1105).
33. Act of September 7, 1950 (64 Stat. 785).



34. Act of October 15, 1951 (65 Stat., ch. 501, p. 421), except the following provision: Section 1 thereof.

35. Act of October 16, 1951 (65 Stat., ch. 507, p. 422).

36. Act of June 25, 1952 (66 Stat., ch. 462, p. 158), except the following provisions:

(a) The first two paragraphs of section 1;

(b) The first sentence of section 2;

(c) In section 3 in the first sentence the following words: "For the purpose of carrying out the provisions of section 23 of the Federal Highway Act (42 Stat. 218), as amended and supplemented, there is hereby authorized to be appropriated (1) for forest highways the sum of \$22,500,000 for the fiscal year ending June 30, 1954, and a like sum for the fiscal year ending June 30, 1955, and (2) for forest development roads and trails the sum of \$22,500,000 for the fiscal year ending June 30, 1955.";

(d) In subsection (a) of section 4 the following words: "For the construction, reconstruction, and improvement of roads and trails, inclusive of necessary bridges, in national parks, monuments, and other areas administered by the National Park Service, including areas authorized to be established as national parks and monuments, and national park and monument approach roads authorized by the act of January 31, 1931 (46 Stat. 1053), as amended, there is hereby authorized to be appropriated the sum of \$10 million for the fiscal year ending June 30, 1955.";

(e) Subsection (b) of section 4;

(f) In subsection (c) of section 4 the following words: "For the construction, improvement, and maintenance of Indian reservation roads and bridges and roads and bridges to provide access to Indian reservations and Indian lands under the provisions of the act approved May 26, 1928 (45 Stat. 750), there is hereby authorized to be appropriated the sum of \$10 million for the fiscal year ending June 30, 1955.";

(g) In the first sentence of section 5 the following words: "Recognizing the mutual benefits that will accrue to the Republic of Nicaragua and to the United States from the completion of the road from San Benito to Rama in said Republic of Nicaragua, the construction of which road was begun and partially completed pursuant to an agreement between said Republic and the United States, there is hereby authorized to be appropriated \$2 million for the fiscal year ending June 30, 1954, for the construction of such road, to be available until expended.";

(h) The first sentence of section 6;

(i) In section 8 the following words: "For the purpose of carrying out the provisions of section 10 of the Federal-aid Highway Act of 1950 (64 Stat. 785), there is hereby authorized to be appropriated for the survey, construction, reconstruction, and maintenance of main roads through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations the sum of \$2,500,000 for the fiscal year ending June 30, 1955, to remain available until expended.";

(j) Section 10 to the first proviso.

37. Act of May 6, 1954 (68 Stat., ch. 181, p. 70), except the following provisions:

(a) The first two paragraphs of section 1;

(b) The last five provisos of section 1;

(c) The first sentence of subsection (a) of section 2;

(d) The first sentence of section 3 to the word "Provided";

(e) Section 4 to the word "Provided";

(f) Section 5;

(g) The first sentence of section 7;

(h) Section 8 to the word "Provided";

(i) Section 14;

(j) Section 18; and

(k) Section 22.

38. Title I of the act of June 29, 1956 (70 Stat. 374), except the following provisions:

(a) Subsection (a) (1) (2) of section 102;

(b) The first sentence of section 103 (a) to the word "Provided";

(c) Section 104 (a), section 104 (b) and section 104 (c), to the word "Provided";

(d) Section 105;

(e) Subsections (b), (c), and (d) of section 107;

(f) Section 108 (b) and (c);

(g) Section 108 (k);

(h) Section 114;

(i) Section 117; and

(j) The last proviso of section 118.

39. Sections 1 and 3 of the act approved August 3, 1956 (70 Stat. 990).

40. Act of April 16, 1958 (72 Stat. 89) except the following provisions:

(a) Subsection (a) (1) (2) of section 1;

(b) Section 2;

(c) The first sentence of section 3 (a) to the word "Provided" and the third, fourth, and fifth provisos;

(d) Subsection (b) of section 3;

(e) Section 4 (a), section 4 (b), and section 4 (c) to the word "Provided";

(f) Section 5;

(g) Section 7;

(h) Section 8; and

(i) Section 9.

#### CONSTRUCTION

SEC. 3. (a) If any provision of title 23, as enacted by section 1 of this act or the application thereof to any person or circumstance is held invalid, the remainder of the title and the application of the provision to other persons or circumstances shall not be affected thereby.

(b) The provisions of this act shall be subject to Reorganization Plan No. 5 of 1950 (64 Stat. 1263).

#### SAVINGS CLAUSE

SEC. 4. Any rights or liabilities now existing under prior acts or portions thereof shall not be affected by the repeal of such prior acts or portions under section 2 of this act.

#### REPORT AND RECOMMENDATIONS

SEC. 5. The Secretary of Commerce is hereby directed to submit to the Congress not later than February 1, 1959, a report on the progress made in attaining the objectives set forth in section 101 of title 23, as enacted by section 1 of this act, together with recommendations.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASE of South Dakota. Mr. President, during the 83d Congress, when I had the honor to be chairman of the Subcommittee on Roads of the Public Works Committee, the need for a clear compilation of the laws relating to roads was repeatedly mentioned by many people—members of the American Association of State Highway Officials, officers of the American Road Builders, and others.

As a result, I suggested that the Secretary of Commerce be directed to prepare and transmit to the Congress a draft of legislation which would codify all existing highway acts. That proposal became sec. 12 of the 1954 Highway Act as follows:

SEC. 12. The Secretary of Commerce is authorized and directed to transmit to the

Committees on Public Works of the Senate and of the House of Representatives not later than December 31, 1954, a suggested draft of a bill or bills for a Federal Highway Act, which will include such provisions of existing law, and such changed or new provisions as the Secretary deems advisable. The Secretary shall also submit a report commenting on the draft of bill or bills, which shall include specific reference to each change in, or omission of, any provision of existing law.

Pursuant to section 12 of the 1954 act, a draft bill was submitted to the committees and legislation was introduced in the 84th Congress. Due to the fact that proposed legislation on the Interstate Highway System was then being considered by the Congress, it was deemed advisable to defer final consideration of the codification bill until enactment of the 1956 act so that the codification bill could incorporate the new provisions of the 1956 act. Consideration of the codification bill was again deferred awaiting final action on the Federal-Aid Highway Act of 1958, to incorporate action on the apportionment based on new cost estimates.

The 1958 aid law has now been enacted, and it is in order that we should have this measure enacted—an up-to-the-minute codification of the highway statutes. It will serve a real need. Senate bill 3953 is a codification of the existing highway statutes, laws relating to highways and roads. Since 1916 the Congress has from time to time enacted pieces of legislation to supplement the basic Federal aid highway law.

The result has been that while we have had a growing body of laws, it has been necessary for anyone who wanted to know what the law was to do a great deal of reference work and comparison of statutes with possible modifications in piecemeal legislation. With the enactment of the epochal Federal Aid Highway Acts of 1954 and 1956, it seemed desirable to codify all the highway laws.

The Committee on Public Works again requested counsel for the Department of Commerce assigned to the Bureau of Public Roads to prepare such a codification. It was submitted to the Committee on Public Works of the House of Representatives and the Committee on Public Works of the Senate, and embodied in two bills, namely, House bill 12776 and Senate bill 3953, which I had the honor and privilege to introduce.

This bill presents no substantive changes in the law. It incorporates the latest changes in substantive law, and is fully up to date in every respect, with the possible exception of what may happen when and if the Territory of Alaska accepts the law relating to statehood for Alaska. We considered in the committee the possibility of attempting to make some changes on that basis, but on the advice of counsel for the Department and after consideration by the committee we decided that it would be futile to attempt to do so until Alaska statehood became an actuality.

The Bureau of Public Roads and the Public Roads Administrator, as well as the Assistant Secretary of Commerce for Transportation, advised us that the law



as presently written into statute and incorporated in the codification, would meet the situation so far as Alaska was concerned.

There are certain amendments which the committee proposes. They are largely of a technical nature, having to do with the numbers of paragraphs, corrections of certain typographical errors in the spelling of words, and a clarification, in one particular, with respect to the provision relating to grade crossing eliminations. I believe those amendments should be considered en bloc. If there is no objection on the part of the ranking member of the Committee on Public Works, I ask that the committee amendments be considered en bloc.

Mr. KERR. Mr. President, I join in that request.

The PRESIDING OFFICER. Without objection, the committee amendments will be considered en bloc.

The question is on agreeing to the committee amendments en bloc.

The amendments were agreed to.

Mr. CASE of South Dakota. Mr. President, my colleague from Nebraska [Mr. HRUSKA] would like to have his name added as a sponsor of this bill. I wonder if there is any objection to that.

The PRESIDING OFFICER. Is there objections? The Chair hears none, and it is so ordered.

Mr. CASE of South Dakota. I believe that this bill, if enacted into law, will be warmly welcomed by the State highway authorities and all persons who have to do with the operation of highways. I urge the unanimous approval of the bill.

Mr. KERR. Mr. President, the Committee on Public Works had before it for consideration two similar bills, namely, Senate bill 3953 and House bill 12776, a bill to revise, codify, and enact into law, title 23, of the United States Code, entitled "Highways," which had passed the House of Representatives. The committee reported Senate bill 3953 with amendments.

Prior to the third reading of Senate bill 3953, I ask unanimous consent that the Committee on Public Works be discharged from the further consideration of House bill 12776; that the text of Senate bill 3953, as amended, be substituted for that of House bill 12776; that House bill 12776, as amended, be passed by the Senate; and that Senate bill 3953 be indefinitely postponed.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Oklahoma? The Chair hears none. Without objection, the Committee on Public Works is discharged from the further consideration of H. R. 12776, which will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H. R. 12776) to revise, codify, and enact into law title 23 of the United States Code, entitled "Highways."

The PRESIDING OFFICER. Is there objection to the present consideration of the House bill?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. Under the order entered on request of the Senator from Oklahoma [Mr. KERR], all after

the enacting clause of the House bill is stricken and there is substituted in lieu thereof the text of S. 3953, as amended.

Mr. CASE of South Dakota. Mr. President, I believe I should state that the Senator from North Dakota [Mr. LANGER] intended to offer an amendment to H. R. 12776. However, it was substantive in character. I consulted with him and advised him that both the House and Senate bills were identical in that they did not provide for any change in substantive law; and that any amendments to change the substantive law would not be in harmony with either bill. With that explanation, he agreed that his amendment should not be considered.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H. R. 12776) was read the third time and passed.

The PRESIDING OFFICER. Without objection, S. 3953 is indefinitely postponed.

#### AMENDMENT OF THE ATOMIC ENERGY ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside and that the Senate proceed to the consideration of Calendar No. 2005, S. 4166.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 4166), to amend the Atomic Energy Act of 1954, as amended.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection it is so ordered.

#### CONGRESS: ITS OWN DEFENDER

Mr. STENNIS. Mr. President, I hope that Congress will soon have an opportunity to debate thoroughly the various provisions of the Jenner bill (S. 2646). Although it covers four major legal areas, there is one section included which deals with the vitals of congressional power and responsibility as they pertain to investigations. Without the power to investigate and get the facts, Congress does

not have a chance to pass the necessary laws to protect our national security.

In the case of United States against Watkins, decided June 17, 1957, the Supreme Court established a dangerous precedent, which challenges this necessary investigative power of Congress.

John T. Watkins appeared as a witness under a subpoena of a subcommittee of the House Un-American Activities Committee in connection with its general investigation of Communist activities in the labor field in and around Chicago. The witness had been identified by prior witnesses as being a member of the Communist Party, and when he appeared before the subcommittee he denied these charges, but answered freely all questions pertaining to his own activity. He admitted his own earlier Communist sympathies and activity, but denied being a card-carrying member at any time. Asked by the committee to identify earlier associates connected with the Communist Party, he declined to do so, but offered to answer any questions concerning persons he knew to be members of the Communist Party, provided they were still members. In refusing to identify others previously engaged in Communist activities who had since removed themselves from the Communist movement, he said:

I do not believe that such questions are relevant to the work of this committee, nor do I believe the committee has a right to undertake the public exposure of persons because of their past activities.

The chairman of the committee subsequently submitted a report of petitioner's refusal to answer questions to the House of Representatives. The House directed the Speaker to certify the committee's report to the United States Attorney for initiation of criminal prosecution. A seven-count indictment was returned. Petitioner waived his right to jury trial and was found guilty on all counts by the trial court. The sentence, a fine of \$100 and 1 year in prison, was suspended, and petitioner placed on probation.

The Court of Appeals' three-judge panel reversed the conviction, but upon rehearing en banc, the full bench affirmed the conviction with the judges of the original majority in dissent. Certiorari was granted by the Supreme Court and the conviction was finally reversed by that Court.

The language used by the Supreme Court in its decision that the accused in this case was not in contempt of Congress goes beyond the results of this case. His refusal to answer certain questions propounded to him during the course of an investigation conducted by the House Committee on Un-American Activities was not on the grounds of freedom of speech nor any other reason properly attributed to the first amendment nor on the usual ground of self-incrimination, which is found in the fifth amendment to the Constitution.

His refusal was based on a challenge of this investigative committee's authority to question him about his earlier associations. The inquiry was undoubtedly authorized by law. Both the Legislative Reorganization Act and the House rules







# Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE  
(For Department Staff Only)

Issued August 14, 1958  
For actions of August 13, 1958  
85th-2d, No. 139

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**HIGHLIGHTS:** House cleared for President: Humane slaughter bill; USDA insured loans bill. Rep. McCormack announced farm bill to be considered today (Aug. 14). Senate committee reported supplemental appropriation bill (to be considered today, Aug. 14). Several Senators urged passage of cotton, rice, and wool legislation. Senate passed education bill. Sen. Proxmire introduced and discussed bill to extend marketing orders to producers of fresh fruits and vegetables. Sen. Symington submitted and discussed measure to freeze cotton and rice acreage allotments.

## HOUSE

- FARM PROGRAM.** Rep. McCormack announced that S. 4071, the farm bill, would be considered today, Aug. 14, under suspension of the rules. (p. 16013) Rep. Cooley inserted a copy of the bill to be considered, which he stated would be an amendment to the bill as passed by the Senate. (pp. 16026-29)
- FARM LOANS.** Passed under suspension of the rules S. 3333, to facilitate the insurance of farm ownership and soil and water conservation loans. This bill will now be sent to the President. (pp. 16029-30) See Digest 137 for provisions of the bill.
- HUMANE SLAUGHTER.** Concurred in the Senate amendments to H. R. 8308, to provide for the humane slaughter of livestock. This bill will now be sent to the President. (p. 16029) See Digest 128 for a summary of the Senate amendments.
- EXCISE TAXES.** Received the conference report on H. R. 7125, to make technical changes in the Federal excise tax laws (H. Rept. 2596). House conferees were appointed earlier in the day. Senate conferees have been appointed. pp. 15956, 16053-56

5. ROADS. Concurred in the Senate amendment to H. R. 12776, to revise, codify, and enact into law, title 23 of the U. S. Code entitled "Highways." This bill will now be sent to the President. pp. 15998-99
6. FOOD ADDITIVES. Passed under suspension of the rules H. R. 13254, to amend the Federal Food, Drug, and Cosmetic Act so as to prohibit the use in food of additives which have not been adequately tested to establish their safety. pp. 16013-26
7. LANDS. Concurred in the Senate amendment to H. R. 4635, to provide for the settlement and entry of public lands in Alaska containing coal, oil, or gas under Sec. 10 of the act of May 14, 1898. This bill will now be sent to the President. p. 16034
8. HOUSING. Rep. Mack urged passage of S. 4035, the omnibus housing bill, before Congress adjourns. p. 16036
9. TRANSPORTATION. Rep. Tollefson referred to certain foreign criticism of the cargo preference legislation, which requires that at least 50 percent of U. S. shipments under the foreign aid program be shipped in American vessels, and stated that "I am convinced that Congress will not relax its views with respect to" this shipping requirement. p. 16036
10. SCHOOL LUNCHES. The District of Columbia Committee reported with amendment S. 1764, to authorize payment of the cost of free lunches for needy children in the D. C. public schools (H. Rept. 2588). p. 16056
11. MINERALS; WATER RESOURCES. Agreed to the Senate amendment to H. R. 11123, to authorize Interior to perform surveys, investigations, and research in geology, biology, minerals and water resources. This bill will now be sent to the President. p. 16034
12. RESEARCH. The Interstate and Foreign Commerce Committee ordered reported S. 4039, to authorize the head of any Government agency now making contracts for research to grant funds for the support of such research. p. D844
13. INFORMATION. Received a report from the Government Operations Committee "pertaining to information from Federal departments and agencies" (H. Rept. 2578). p. 16056
14. RECLAMATION. Received from Interior a report on Red Willow Dam and Reservoir and associated works, and Frenchman-Cambridge division, Missouri River Basin project, Nebr. p. 16056

#### SENATE

15. FARM PROGRAM. Sen. McClellan urged the passage of legislation this session to prevent reductions in cotton and rice acreage. Sen. Stennis concurred in his opposition to adjourning until the farm legislation is passed. Sen. Johnson stated: "Too many people in this field have been too adamant," and urged that a compromise farm bill be worked out. Sens. Johnston, Jordan, and Hill agreed that farm legislation is necessary. pp. 15844-5  
Sens. Mansfield, Barrett, Allott, and Thye urged the passage of the Wool Act extension bill, and stated that the woolgrowers would be endangered if the law were not extended this session. pp. 15856-8



[Roll No. 167]

YEAS—365

Abbitt  
 Abernethy  
 Adair  
 Addonizio  
 Albert  
 Alexander  
 Alger  
 Allen, Ill.  
 Andersen,  
   H. Carl  
 Andrews  
 Arends  
 Ashley  
 Ashmore  
 Aspinall  
 Auchincloss  
 Avery  
 Ayres  
 Bailey  
 Baker  
 Baldwin  
 Baring  
 Barrett  
 Bass, N. H.  
 Bass, Tenn.  
 Bates  
 Beamer  
 Becker  
 Beckworth  
 Belcher  
 Bennett, Fla.  
 Bennett, Mich.  
 Bentley  
 Berry  
 Betts  
 Blatnik  
 Boland  
 Bolling  
 Bolton  
 Bonner  
 Bow  
 Boyle  
 Bray  
 Breeding  
 Brooks, Tex.  
 Broomfield  
 Brown, Ga.  
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 Broyhill  
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 Burleson  
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 Byrd  
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 Byrnes, Wis.  
 Canfield  
 Cannon  
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 Chamberlain  
 Chelf  
 Chenoweth  
 Chipfield  
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 Cooley  
 Corbett  
 Cramer  
 Cretella  
 Cunningham,  
   Iowa  
 Cunningham,  
   Nebr.  
 Curtin  
 Curtis, Mass.  
 Curtis, Mo.  
 Dague  
 Davis, Ga.  
 Davis, Tenn.  
 Delaney  
 Dellay  
 Dennison  
 Dent  
 Denton  
 Derounian  
 Devereux  
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 Dollinger  
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Dwyer  
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 Elliott  
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 Farbstein  
 Fascell  
 Feighan  
 Fenton  
 Fino  
 Fisher  
 Flood  
 Flynt  
 Fogarty  
 Forand  
 Ford  
 Forrester  
 Fountain  
 Frazier  
 Frelinghuysen  
 Fulton  
 Garmatz  
 Gary  
 Gathings  
 Gavin  
 George  
 Glenn  
 Granahan  
 Grant  
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 Green, Pa.  
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 Hagen  
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 Hardy  
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 Haskell  
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 Hays, Ohio  
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 Herlong  
 Heseltan  
 Hess  
 Hiestand  
 Hill  
 Hoeven  
 Hoffman  
 Hollifield  
 Holland  
 Holmes  
 Holt  
 Holtzman  
 Horan  
 Hosmer  
 Huddleston  
 Hull  
 Hyde  
 Ikard  
 Jackson  
 James  
 Jarman  
 Jennings  
 Jensen  
 Johansen  
 Johnson  
 Jonas  
 Jones, Ala.  
 Jones, Mo.  
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 Karsten  
 Kean  
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 Keating  
 Kee  
 Kelly, N. Y.  
 Keogh  
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 Kilgore  
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 Knutson  
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Schwengel  
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Taber  
 Talle  
 Taylor  
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 Teague, Tex.  
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 Thomas  
 Thompson, La.  
 Thompson, N. J.  
 Thompson, Tex.  
 Thomson, Wyo.  
 Wier  
 Thornberry  
 Tollefson  
 Trimble  
 Tuck  
 Udall  
 Ullman  
 Utt  
 Van Pelt  
 Van Zandt  
 Vinson  
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Vursell  
 Wainwright  
 Walter  
 Watts  
 Weaver  
 Westland  
 Wharton  
 Whitener  
 Whitten  
 Widnall  
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 Wilson, Calif.  
 Withrow  
 Wolvertson  
 Wright  
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 Younger  
 Zablocki  
 Zelenko

NAYS—1

Nix

ANSWERED "PRESENT"—2

Diggs

O'Hara, Ill.

NOT VOTING—61

Allen, Calif.  
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   Mont.  
 Anfuso  
 Barden  
 Baumhart  
 Blitch  
 Boggs  
 Bosch  
 Boykin  
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 Brownson  
 Buckley  
 Burdick  
 Byrne, Ill.  
 Celler  
 Collier  
 Colmer  
 Couderc  
 Dawson, Ill.  
 Dawson, Utah  
 Dles  
 Dorn, S.C.  
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 Friedel  
 Gordon  
 Green, Oreg.  
 Gwinn  
 Harrison, Nebr.  
 Hébert  
 Hillings  
 Jenkins  
 Kearney  
 Kilburn  
 Landrum  
 LeCompte  
 Machrowicz  
 Mason  
 Merrow  
 Metcalf  
 Michel  
 Miller, N. Y.

Norrell  
 Powell  
 Preston  
 Prouty  
 Rabaut  
 Radwan  
 Rooney  
 Scherer  
 Sheehan  
 Shuford  
 Smith, Kans.  
 Smith, Va.  
 Spence  
 Teller  
 Vanik  
 Williams, Miss.  
 Willis  
 Wilson, Ind.  
 Winstead  
 Yates

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Allen of California.  
 Mr. Anfuso with Mr. Baumhart.  
 Mr. Rooney with Mr. Sheehan.  
 Mr. Buckley with Mr. Coudert.  
 Mrs. Blitch with Mr. Mason.  
 Mr. Landrum with Mr. LeCompte.  
 Mr. Preston with Mr. Byrne of Illinois.  
 Mr. Vanik with Mr. Harrison of Nebraska.  
 Mr. Smith of Virginia with Mr. Kearney.  
 Mr. Engel with Mr. Kilburn.  
 Mr. Friedel with Mr. Smith of Kansas.  
 Mr. Machrowicz with Mr. Scherer.  
 Mr. Williams of Mississippi with Mr. Dawson of Utah.  
 Mr. Willis with Mr. Merrow.  
 Mr. Yates with Mr. Miller of New York.  
 Mr. Norrell with Mr. Bosch.  
 Mr. Winstead with Mr. Jenkins.  
 Mr. Dorn of South Carolina with Mr. Wilson of Indiana.  
 Mr. Dawson of Illinois with Mr. Gwinn.  
 Mr. Colmer with Mr. Brownson.  
 Mr. Celler with Mr. Prouty.  
 Mr. Anderson of Montana with Mr. Collier.  
 Mr. Teller with Mr. Michel.  
 Mr. Metcalf with Mr. Radwan.  
 Mr. Brooks of Louisiana with Mr. Hillings.  
 Mr. Rabaut with Mr. Burdick.

Mr. O'HARA of Illinois changed his vote from "yea" to "present."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### RECOGNITION FOR SUSPENSIONS IN ORDER AUGUST 14

Mr. MCCORMACK. Mr. Speaker, I renew the request I made earlier today

and ask unanimous consent that it may be in order for the Speaker tomorrow to recognize to suspend the rules.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

#### AMENDING ATOMIC ENERGY ACT OF 1954, AS AMENDED

Mr. PRICE submitted the following conference report and statement on the bill (H. R. 13455) to amend the Atomic Energy Act of 1954, as amended:

#### CONFERENCE REPORT No. 2585

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13455), to amend the Atomic Energy Act of 1954, as amended, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

"Be it enacted, etc., That section 170 of the Atomic Energy Act of 1954, as amended, is amended by adding at the end thereof the following new subsection:

"k. With respect to any license issued pursuant to section 53, 63, 81, 104 a., or 104 c. for the conduct of educational activities to a person found by the Commission to be a nonprofit educational institution, the Commission shall exempt such licensee from the financial protection requirement of subsection 170 a. With respect to licenses issued between August 30, 1954, and August 1, 1967, for which the Commission grants such exemption:

"(1) the Commission shall agree to indemnify and hold harmless the licensee and other persons indemnified, as their interests may appear, from public liability in excess of \$250,000 arising from nuclear incidents. The aggregate indemnity for all persons indemnified in connection with each nuclear incident shall not exceed \$500,000,000, including the reasonable cost of investigating and settling claims and defending suits for damage;

"(2) such contracts of indemnification shall cover public liability arising out of or in connection with the licensed activity; and shall include damage to property of persons indemnified, except property which is located at the site of and used in connection with the activity where the nuclear incident occurs; and

"(3) such contracts of indemnification, when entered into with a licensee having immunity from public liability because it is a State agency, shall provide also that the Commission shall make payments under the contract on account of activities of the licensee in the same manner and to the same extent as the Commission would be required to do if the licensee were not such a State agency.

Any licensee may waive an exemption to which it is entitled under this subsection."

And the Senate agree to the same.

CARL T. DURHAM,  
 CHET HOLIFIELD,  
 MELVIN PRICE,  
 JAMES E. VAN ZANDT,  
 CRAIG HOSMER,

Managers on the Part of the House.

CLINTON P. ANDERSON,  
 JOHN O. PASTORE,  
 HENRY M. JACKSON,  
 BOURKE B. HICKENLOOPER,  
 JOHN W. BRICKER,

Managers on the Part of the Senate.



## STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 13455) to amend the Atomic Energy Act of 1954, as amended, submits the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate struck out all of the House bill after the enacting clause and inserted a substitute amendment. The committee of conference has agreed to a substitute for both the House bill and the Senate amendment. The following statement explains the differences between the House bill and the substitute agreed to in conference.

The bill, as agreed to by the conferees, is identical to the House version, except for certain additional words added to clause (1) of subsection (k) as indicated by the words in black brackets below:

"(1) The Commission shall agree to indemnify and hold harmless the licensee and other persons indemnified, as their interests may appear, from public liability [in excess of \$250,000] arising from nuclear incidents. The aggregate indemnity for all persons indemnified in connection with each nuclear incident shall not exceed \$500,000,000 including the reasonable cost of investigating and settling claims and defending suits for damage."

The other provisions in the bill are identical to the bill approved by the House.

Under the language agreed to in conference, all nonprofit educational institutions would be exempted, under the first sentence of subsection (k) in the bill, from the financial protection requirement of subsection 170a. They would also receive the benefit of a Commission indemnity agreement but only in excess of \$250,000. This language was intended to keep the Commission out of the small claims business and to preserve the basic pattern of Public Law 85-256 in that the Commission indemnity would begin only above a certain minimum level.

The conferees wished to emphasize their belief that the universities can make an important contribution to our atomic energy research and training program, and that they should be encouraged to do so. The conferees desired also not to discriminate in the Federal statute between different types of universities on the basis of State law or type of sponsorship, but to treat all nonprofit educational institutions on the same basis. Therefore, under the language of the conference, it will be left up to the individual institution, on the basis of its own State law, or its own decision, to determine the type of protection, if any, it will provide for the first \$250,000 liability prior to commencement of the Commission indemnity. Either private insurance, suppliers' liability insurance, or special State procedures may be utilized to provide the basis for meeting possible claims in this field in the same manner as other claims against the university arising out of its usual activities.

The \$250,000 division of responsibility between the licensee and the Commission is made applicable to those licensees having immunity from public liability because it is a State agency by clause (3) of the bill. Clause (3) provides that the Commission shall make payments under the contract on account of activities of such a licensee in the same manner and to the same extent as the Commission would be required to do if the licensee were not such a State agency.

After weighing carefully several possible alternatives, the conferees decided that the recommended language would best reconcile the difficult problems of State and local law presented, and would at the same time accomplish the desired objective of encouraging nonprofit educational institutions to par-

ticipate in our atomic energy research and training program.

CARL T. DURHAM,  
CHET HOLIFIELD,  
MELVIN PRICE,  
JAMES E. VAN ZANDT,  
CRAIG HOSMER,

*Managers on the Part of the House.*

## AMENDING DISTRICT OF COLUMBIA TEACHERS' SALARY ACT OF 1955

Mr. MITCHELL submitted the following conference report and statement on the bill (H. R. 13132) to amend the District of Columbia Teachers' Salary Act of 1955:

## CONFERENCE REPORT (H. REPT. No. 2586)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 13132) to amend the District of Columbia Teachers' Salary Act of 1955, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

ERWIN MITCHELL,  
T. G. ABERNETHY,  
A. L. MILLER,  
DEWITT S. HYDE,

*Managers on the Part of the House.*

J. ALLEN FREAR, Jr.,

J. GLENN BEALL,

THRUSTON B. MORTON,

*Managers on the Part of the Senate.*

## STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 13132) to amend the District of Columbia Teachers' Salary Act of 1955, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House bill provided generally for salary increases for the District of Columbia schoolteachers, school officers, and other employees of the Board of Education of the District of Columbia in amounts averaging 14.1 percent. The Senate amendment struck out all after the enacting clause and inserted a substitute text which provided increases for the same group in amounts averaging 17.8 percent.

The Senate recedes from its amendment.

ERWIN MITCHELL,  
T. G. ABERNETHY,  
A. L. MILLER,  
DEWITT S. HYDE,

*Managers on the Part of the House.*

## AMENDMENT OF LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT

Mr. WIER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 13021) to amend section 41 of the Longshoremen's and Harbor Workers' Compensation Act so as to provide a system of safety rules, regulations, and safety inspection, and training, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 7, line 4, strike out "amended." and insert "amended."

Page 7, strike out lines 5 to 16, inclusive.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

Mr. O'HARA of Minnesota. Mr. Speaker, reserving the right to object, will the gentleman tell us whether this has been cleared with the minority?

Mr. WIER. Yes; this has been taken up with the Member on your side. He is in accord with this and, if he can be found, will subscribe to it.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

## TITLE 23, UNITED STATES CODE, ENTITLED "HIGHWAYS"

Mr. FALLON. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 12776) to revise, codify, and enact into law, title 23 of the United States Code, entitled "Highways," with Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment.

Mr. FALLON. Mr. Speaker, I ask unanimous consent to dispense with the printing of the amendment in the Journal and in the Record, due to the excessive cost involved.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. FALLON. Mr. Speaker, H. R. 12776—highway codification bill—as passed by the Senate is different in only three respects from the bill as it passed the House. Three provisions were added which make no substantive change in the law as it now exists and which were inserted on the Senate side by the Senate Committee on Public Works purely for the purpose of clarification.

The first addition covers section 120 and section 130 of the law and has to do with the use by State highway departments of Federal funds for the elimination of grade crossings and, in addition, the amount of contribution to be paid by a railroad when such a grade crossing elimination is deemed to be of benefit to that railroad. This amendment makes it expressly clear that a State may use up to 10 percent of the Federal funds allocated to it strictly for elimination of grade crossings if it so determines. In addition, in the course of a regular highway construction program, either on the Interstate System on a 90 to 10 basis or the primary and secondary on a 50 to 50 basis, funds may also be used either from the 90-percent source or the 50-percent source for elimination of grade crossings.

It further provides that in the instances where a grade crossing is deemed to be of benefit to a railroad, the railroad must pay 10 percent of the cost of the elimination of the grade crossing. It further provides that if more than one



railroad is involved, the total amount payable is still 10 percent by all affected railroads. In other words, individually or collectively railroads pay 10 percent as the total payment.

The second change simply clarifies a question of apportioning funds authorized for public lands highways among those States having more than 5 percent of their area in public lands. In the 1930 act 5 percent or more of public lands was required to be in a State before such funds were apportioned to that State. However, this provision was not included in the Federal-Aid Highway Act of 1950. It was therefore determined that there was no justification for a 5-percent figure and the proviso allows full participation by all States in the public land highways program regardless of the percentage of public lands within that State.

The third change strikes out section 315 having to do with the assignment by the Secretary of Commerce during any fiscal year of up to 10 of the regular employees of the Bureau of Public Roads to technical institutions. This section is no longer necessary since S. 385, reported by the Committee on Post Office and Civil Service early in the session and which has now become Public Law 85-507, eliminated this provision and set up a training program covering civilian officers and employees of the Government with respect to the performance of their official duties.

I wish to clearly point out that this bill is purely a codification of existing law. The only amendments that have been inserted, either on the House or on the Senate side, are purely of a technical nature to clarify existing points in the law; to remove obsolete provisions; to make necessary typographical corrections, and to conform the bill in all ways to the United States Code as it now exists.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

Mr. MCGREGOR. Mr. Speaker, reserving the right to object, I have been consulted by the majority and have taken this up with the minority leaders. This is a corrective amendment for clarification purposes in the codification bill as passed by the House.

Mr. FALLON. The gentleman is correct.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

#### PROVIDING AID AND ATTENDANCE ALLOWANCE OF \$200 PER MONTH TO CERTAIN PARAPLEGIC VETERANS

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 3630) to amend the Veterans' Benefits Act of 1957 to provide that an aid and attendance allowance of \$200 per month shall

be paid to certain paraplegic veterans during periods in which they are not hospitalized at Government expense, with a Senate amendment thereto.

The Clerk read the title of the bill.

The Clerk read the Senate amendment as follows:

Page 1, strike out all after line 5 over to and including line 6 on page 2 and insert:

"(r) If any veteran, otherwise entitled to the compensation authorized under subsection (o), or the maximum rate authorized under subsection (p), is in need of regular aid and attendance, he shall be paid, in addition to such compensation, a monthly aid and attendance allowance at the rate of \$100 for all periods during which he is not hospitalized at Government expense. For the purposes of section 335, such allowance shall be considered as additional compensation payable for disability."

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. TEAGUE of Texas. Mr. Speaker, I move that the House concur in the Senate amendment with an amendment. The Clerk read as follows:

Mr. TEAGUE of Texas moves that the House concur in the Senate amendment with the following amendment: In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

"(r) If any veteran, otherwise entitled to the compensation authorized under subsection (o), or the maximum rate authorized under subsection (p), is in need of regular aid and attendance, he shall be paid, in addition to such compensation, a monthly aid and attendance allowance at the rate of \$150 for all periods during which he is not hospitalized at Government expense. For the purposes of section 335, such allowance shall be considered as additional compensation payable for disability."

"SEC. 2. Effective as of January 1, 1959, section 314 of title 38 of the United States Code is amended by adding at the end thereof the following:

"(r) If any veteran, otherwise entitled to the compensation authorized under subsection (o), or the maximum rate authorized under subsection (p), is in need of regular aid and attendance, he shall be paid, in addition to such compensation, a monthly aid and attendance allowance at the rate of \$150 per month for all periods during which he is not hospitalized at Government expense. For the purposes of section 334 of this title, such allowance shall be considered as additional compensation payable for disability."

Mr. TEAGUE of Texas. Mr. Speaker, this bill passed the House with the figure of \$200 for each quadriplegic and most severely disabled service-connected veteran. The other body reduced that to \$100 and our amendment puts it back to \$150.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. TEAGUE of Texas. I yield to the gentleman from Massachusetts.

Mrs. ROGERS of Massachusetts. My understanding is that very likely the Senate will agree to this amendment. It is better, perhaps, than losing it all, because the House bill increased it more than \$200 a month; is that not correct?

Mr. TEAGUE of Texas. That is correct.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield?

Mr. TEAGUE of Texas. I yield to the gentleman from Michigan.

Mr. HOFFMAN. Am I correct in my understanding that the economy-minded Senate cut down the amount that the House wanted to pay?

Mr. TEAGUE of Texas. That is correct.

Mr. HOFFMAN. How much did they cut it?

Mr. TEAGUE of Texas. They cut it from \$200 to \$100 a month.

Mr. HOFFMAN. They cut it right in two?

Mr. TEAGUE of Texas. That is right.

The SPEAKER. The question is on the motion.

The motion was agreed to.

The title was amended so as to read:

An act to amend the Veterans' Benefits Act of 1957 to provide that an additional aid and attendance allowance of \$150 per month shall be paid to certain severe service-connected disabled veterans during periods in which they are not hospitalized at Government expense.

A motion to reconsider was laid on the table.

#### COMMITTEE ON PUBLIC WORKS

Mr. BLATNIK. Mr. Speaker, I ask unanimous consent that the House Committee on Public Works may have until midnight tonight to file several committee reports.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

Mr. MARTIN. Mr. Speaker, reserving the right to object, are there any minority reports?

Mr. BLATNIK. There are no minority reports.

Mr. GROSS. Mr. Speaker, further reserving the right to object, does this include the bill for the cultural center in Washington?

Mr. BLATNIK. This includes the bill for the cultural center.

Mr. GROSS. Mr. Speaker, I object.

#### PRIVATE CALENDAR

The SPEAKER. This is Private Calendar Day. The Clerk will call the first individual bill on the calendar.

#### HSIU-KWANG WU AND HSIU-HUANG WU

The Clerk called the bill (S. 13) for the relief of Hsiu-Kwang Wu and Hsiu-Huang Wu.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That, for the purposes of the Immigration and Nationality Act, Hsiu-Kwang Wu and Hsiu-Huang Wu shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct the required numbers from the appropriate quota or quotas for the first year that such quota or quotas are available.



The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### ROBERT KARIA

The Clerk called the bill (S. 92) for the relief of Robert Karia.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That, notwithstanding the provisions of section 212 (a) (19) of the Immigration and Nationality Act, Robert Karia may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that act: *Provided*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### GEORGIOS IOANNOU

The Clerk called the bill (S. 160) for the relief of Georgios Ioannou.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That, for the purposes of the Immigration and Nationality Act, Georgios Ioannou shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### LORI BIAGI

The Clerk called the bill (S. 1542) for the relief of Lori Biagi.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That, for the purposes of the Immigration and Nationality Act, Lori Biagi shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota control officer to deduct one number from the appropriate quota for the first year that such quota is available.

With the following committee amendment:

Strike out all after the enacting clause and insert "That, for the purposes of sections 203 (a) (3) and 205 of the Immigration and Nationality Act, Lori Biagi shall be held and considered to be the minor natural-born alien child of Mr. and Mrs. Maurizio Biagi, lawfully resident aliens in the United States."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### GENOVEFFA MIGLIOZZI

The Clerk called the bill (S. 2043) for the relief of Genoveffa Migliozi.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Genoveffa Migliozi, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Niles Bassett, citizens of the United States.

With the following committee amendment:

On page 1, at the end of line 7, strike out the period and insert the following: "*Provided*, That the natural parents of the beneficiary shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### HEINZ FARMER

The Clerk called the bill (S. 2052) for the relief of Heinz Farmer.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That, notwithstanding the provision of section 212 (a) (1) of the Immigration and Nationality Act, Heinz Farmer may be issued a visa and be admitted to the United States for permanent residence if otherwise admissible under the provisions of that act: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the Immigration and Nationality Act, if the beneficiary is not entitled to medical care under the Dependents' Medical Care Act (70 Stat. 250): *And provided further*, That the exemption granted herein shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### HASAN MUHAMMAD TIRO

The Clerk called the bill (S. 2262) for the relief of Hasan Muhammad Tiro.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That, for the purposes of the Immigration and Nationality Act, Hasan Muhammad Tiro shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### MARIA PONTILLO

The Clerk called the bill (S. 2850) for the relief of Maria Pontillo.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That, for the purposes of the Immigration and Nationality Act, Maria Pontillo shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

With the following committee amendment:

On page 1, line 7, after the words "visa fee" strike out the period and insert the following: "*Provided*, That the natural parents of the beneficiary shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### MARY LOUISE SHIELDS WILKINSON

The Clerk called the bill (S. 2935) for the relief of Mary Louise Shields Wilkinson.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That, for the purposes of section 201 (g) of the Nationality Act of 1940, as amended, Mary Louise Shields Wilkinson shall be held and considered to have been physically present in the United States during all the time she was residing abroad with her parents while her father, Leighton Shields, was stationed abroad as an employee of the United States.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### FEOFANIA BANKEVITZ

The Clerk called the bill (S. 2936) for the relief of Feofania Bankevitz.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That, notwithstanding the provisions of section 212 (a) (6) of the Immigration and Nationality Act, Feofania Bankevitz may be issued a visa and be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that act, under such conditions and controls which the Attorney General, after consultation with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare, may deem necessary to impose: *Provided*, That if the beneficiary is not entitled to medical care under the Dependents' Medical Care Act (70 Stat. 250), a suitable and proper bond







Public Law 85-767  
85th Congress, H. R. 12776  
August 27, 1958

AN ACT

72 Stat. 885.

To revise, codify, and enact into law, title 23 of the United States Code, entitled  
"Highways".

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the laws relating to highways are revised, codified, and reenacted as Title 23, United States Code, "Highways" and may be cited as "Title 23, United States Code, § —", as follows:

Title 23, U. S.  
Code.  
Codification  
and enactment  
into law.

**TITLE 23—HIGHWAYS**

CHAPTER	Sec.
1. FEDERAL AID HIGHWAYS-----	101
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3. GENERAL PROVISIONS-----	301

**CHAPTER 1—FEDERAL-AID HIGHWAYS**

- Definitions and declaration of policy.
- 102. Authorizations.
- 103. Federal-aid systems.
- 104. Apportionment.
- 105. Programs.
- 106. Plans, specifications, and estimates.
- 107. Acquisition of rights-of-way—Interstate System.
- 108. Advance acquisition of rights-of-way.
- 109. Standards.
- 110. Project agreements.
- 111. Use of and access to rights-of-way—Interstate System.
- 112. Letting of contracts.
- 113. Prevailing rate of wage—Interstate System.
- 114. Construction.
- 115. Construction by States in advance of apportionment—Interstate System.
- 116. Maintenance.
- 117. Secondary road responsibility.
- 118. Availability of sums apportioned.
- 119. Administration of Federal-aid for highways in Alaska.
- 120. Federal share payable.
- 121. Payment to States for construction.
- 122. Payment to States for bond retirement.
- 123. Relocation of utility facilities.
- 124. Advances to States.
- 125. Emergency relief.
- 126. Diversion.
- Vehicle weight and width limitations—Interstate System.
- Public hearings.
- 129. Toll roads, bridges, and tunnels.
- 130. Railway-highway crossings.
- 131. Areas adjacent to the Interstate System.

**§ 101. Definitions and declaration of policy**

(a) As used in this title, unless the context requires otherwise—  
The term "apportionment" in accordance with section 104 of this title includes unexpended apportionments made under prior acts.  
The term "construction" means the supervising, inspecting, actual building, and all expenses incidental to the construction or reconstruction of a highway, including locating, surveying, and mapping (including the establishment of temporary and permanent geodetic markers in accordance with specifications of the Coast and Geodetic Survey in the Department of Commerce), costs of rights-of-way, and elimination of hazards of railway-grade crossings.



The term "county" includes corresponding units of government under any other name in States which do not have county organizations, and likewise in those States in which the county government does not have jurisdiction over highways it may be construed to mean any local government unit vested with jurisdiction over local highways.

The term "forest road or trail" means a road or trail wholly or partly within or adjacent to and serving the national forests.

The term "forest development roads and trails" means those forest roads or trails of primary importance for the protection, administration, and utilization of the national forests, or where necessary, for the use and development of the resources upon which communities within or adjacent to the national forests are dependent.

The term "forest highway" means a forest road which is of primary importance to the States, counties, or communities within, adjoining, or adjacent to the national forests.

The term "highway" includes roads, streets, and parkways, and also includes rights-of-way, bridges, railroad-highway crossings, tunnels, drainage structures, signs, guardrails, and protective structures, in connection with highways. It further includes that part of any interstate or international bridge or tunnel and the approaches thereto, the cost of which is assumed by a State highway department including such facilities as may be required by the United States Customs and Immigration Services in connection with the operation of an international bridge or tunnel.

The term "Federal-aid highways" means highways located on one of the Federal-aid systems described in section 103 of this title.

The term "Indian reservation roads and bridges" means roads and bridges that are located within an Indian reservation or that provide access to an Indian reservation or Indian land, and that are jointly designated by the Secretary of the Interior and the Secretary as a part of the Indian Bureau road system.

The term "maintenance" means the preservation of the entire highway, including surface, shoulders, roadsides, structures, and such traffic-control devices as are necessary for its safe and efficient utilization.

The term "park roads and trails" means those roads or trails, including the necessary bridges, located in national parks or monuments, now or hereafter established, or in other areas administered by the National Park Service of the Department of the Interior (excluding parkways authorized by Acts of Congress) and also including approach roads to national parks or monuments authorized by

16 USC 8a-8c.

Act of January 31, 1931 (46 Stat. 1053), as amended.

The term "parkway" as used in chapter 2 of this title, means a parkway authorized by an Act of Congress on lands to which title is vested in the United States.

The term "project" means an undertaking to construct a particular portion of a highway, or if the context so implies, the particular portion of a highway so constructed.

The term "project agreement" means the formal instrument to be executed by the State highway department and the Secretary as required by the provisions of subsection (a) of section 110 of this title.

The term "public lands highways" means main highways through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations.

The term "rural areas" means all areas of a State not included in urban areas.

The term "Secretary" means Secretary of Commerce.

The term "State" means any one of the forty-eight States, the District of Columbia, Hawaii, Alaska, or Puerto Rico.

The term "State funds" includes funds raised under the authority of the State or any political or other subdivision thereof, and made available for expenditure under the direct control of the State highway department.

The term "State highway department" means that department, commission, board, or official of any State charged by its laws with the responsibility for highway construction.

The term "Federal-aid system" means any one of the Federal-aid highway systems described in section 103 of this title.

The term "Federal-aid primary system" means the Federal-aid highway system described in subsection (b) of section 103 of this title.

The term "Federal-aid secondary system" means the Federal-aid highway system described in subsection (c) of section 103 of this title.

The term "Interstate System" means the National System of Interstate and Defense Highways described in subsection (d) of section 103 of this title.

The term "urban area" means an area including and adjacent to a municipality or other urban place having a population of five thousand or more, as determined by the latest available Federal census, within boundaries to be fixed by a State highway department subject to the approval of the Secretary.

(b) It is hereby declared to be in the national interest to accelerate the construction of the Federal-aid highway systems, including the National System of Interstate and Defense Highways, since many of such highways, or portions thereof, are in fact inadequate to meet the needs of local and interstate commerce, for the national and civil defense.

It is hereby declared that the prompt and early completion of the National System of Interstate and Defense Highways, so named because of its primary importance to the national defense and hereafter referred to as the "Interstate System", is essential to the national interest and is one of the most important objectives of this Act. It is the intent of Congress that the Interstate System be completed as nearly as practicable over the period of availability of the thirteen years' appropriations authorized for the purpose of expediting its construction, reconstruction, or improvement, inclusive of necessary tunnels and bridges, through the fiscal year ending June 30, 1969, under section 108 (b) of the Federal-Aid Highway Act of 1956 (70 Stat. 374), and that the entire System in all cases be brought to simultaneous completion. Insofar as possible in consonance with this objective, existing highways located on an interstate route shall be used to the extent that such use is practicable, suitable, and feasible, it being the intent that local needs, to the extent practicable, suitable, and feasible, shall be given equal consideration with the needs of interstate commerce.

23 USC 158.

## § 102. Authorizations

The provisions of this title apply to all unappropriated authorizations contained in prior Acts, and also to all unexpended appropriations heretofore made, providing for the expenditure of Federal funds upon the Federal-aid systems. All such authorizations and appropriations shall continue in full force and effect, but hereafter obligations entered into and expenditures made pursuant thereto shall be subject to the provisions of this title.

## § 103. Federal-aid systems

(a) For the purposes of this title, the three Federal-aid systems, the primary and secondary systems, and the Interstate System, are continued pursuant to the provisions of this section.



(b) The Federal-aid primary system shall consist of an adequate system of connected main highways, selected or designated by each State through its State highway department, subject to the approval of the Secretary as provided by subsection (e) of this section. This system shall not exceed 7 per centum of the total highway mileage of such State, exclusive of mileage within national forests, Indian, or other Federal reservations and within urban areas, as shown by the records of the State highway department on November 9, 1921. Whenever provision has been made by any State for the completion and maintenance of 90 per centum of its Federal-aid primary system, as originally designated, said State through its State highway department by and with the approval of the Secretary is authorized to increase the mileage of its Federal-aid primary system by additional mileage equal to not more than 1 per centum of the total mileage of said State as shown by the records on November 9, 1921. Thereafter, it may make like 1 per centum increases in the mileage of its Federal-aid primary system whenever provision has been made for the completion and maintenance of 90 per centum of the entire system, including the additional mileage previously authorized. This system may be located both in rural and urban areas. The mileage limitation in this paragraph shall not apply to the District of Columbia, Hawaii, Alaska, or Puerto Rico.

(c) The Federal-aid secondary system shall be selected by the State highway departments and the appropriate local road officials in cooperation with each other, subject to approval by the Secretary as provided in subsection (e) of this section. In making such selections, farm-to-market roads, rural mail routes, public school bus routes, local rural roads, county roads, township roads, and roads of the county road class may be included, so long as they are not on the Federal-aid primary system or the Interstate System. This system shall be confined to rural areas, except (1) that in any State having a population density of more than two hundred per square mile as shown by the latest available Federal census, the system may include mileage in urban areas as well as rural, and (2) that the system may be extended into urban areas subject to the conditions that any such extension passes through the urban area or connects with another Federal-aid system within the urban area, and that Federal participation in projects on such extensions is limited to urban funds.

(d) The Interstate System shall be designated within the continental United States and it shall not exceed forty-one thousand miles in total extent. It shall be so located as to connect by routes, as direct as practicable, the principal metropolitan areas, cities, and industrial centers, to serve the national defense, and to connect at suitable points with routes of continental importance in the Dominion of Canada and the Republic of Mexico. The routes of this system shall be selected by joint action of the State highway departments of each State and the adjoining States, subject to approval by the Secretary as provided in subsection (e) of this section. All highways or routes included in the Interstate System as finally approved, if not already coincident with the primary system, shall be added to said system without regard to the mileage limitation set forth in subsection (b) of this section. This system may be located both in rural and urban areas.

(e) The Secretary shall have authority to approve in whole or in part the Federal-aid primary system, the Federal-aid secondary system, and the Interstate System, as and when such systems or portions thereof are designated, or to require modifications or revisions thereof. No Federal-aid system or portion thereof shall be eligible for projects in which Federal funds participate until approved by the Secretary.



(f) The system or systems of roads in the Territory of Alaska on which Federal-aid funds may be expended under this chapter shall be determined and agreed upon by the Governor of Alaska, the Alaska Highway and Public Works Board, and the Secretary.

(g) The system of highways on which funds apportioned to the Territory of Hawaii under this chapter shall be expended may be determined and agreed upon by the Governor of said Territory and the Secretary.

#### § 104. Apportionment

(a) Whenever an apportionment is made of the sums authorized to be appropriated for expenditure upon the Federal-aid systems, the Secretary shall deduct a sum, in such amount not to exceed  $3\frac{3}{4}$  per centum of all sums so authorized, as the Secretary may deem necessary for administering the provisions of law to be financed from appropriations for the Federal-aid systems and for carrying on the research authorized by subsections (a) and (b) of section 307 of this title. In making such determination, the Secretary shall take into account the unexpended balance of any sums deducted for such purposes in prior years. The sum so deducted shall be available for expenditure in the unexpended balance of any appropriation made at any time for expenditure upon the Federal-aid systems, until such sum has been expended.

(b) On or before January 1 next preceding the commencement of each fiscal year, except as provided in paragraphs (4) and (5) of this subsection, the Secretary, after making the deduction authorized by subsection (a) of this section, shall apportion the remainder of the sums authorized to be appropriated for expenditure upon the Federal-aid systems for that fiscal year, among the several States in the following manner:

(1) For the Federal-aid primary system:

One-third in the ratio which the area of each State bears to the total area of all the States, except that only one-third of the area of Alaska shall be included; one-third in the ratio which the population of each State bears to the total population of all the States as shown by the latest available Federal census; one-third in the ratio which the mileage of rural delivery routes and star routes in each State bears to the total mileage of rural delivery and star routes in all the States at the close of the next preceding fiscal year, as shown by a certificate of the Postmaster General, which he is directed to make and furnish annually to the Secretary. No State shall receive less than one-half of 1 per centum of each year's apportionment.

(2) For the Federal-aid secondary system:

One-third in the ratio which the area of each State bears to the total area of all the States, except that only one-third of the area of Alaska shall be included; one-third in the ratio which the rural population of each State bears to the total rural population of all the States as shown by the latest available Federal census; and one-third in the ratio which the mileage of rural delivery and star routes, certified as above provided, in each State bears to the total mileage of rural delivery and star routes in all the States. No State shall receive less than one-half of 1 per centum of each year's apportionment.

(3) For extensions of the Federal-aid primary and Federal-aid secondary systems within urban areas:

In the ratio which the population in municipalities and other urban places, of five thousand or more, in each State bears to the total population in municipalities and other urban places of five thousand or more in all the States, as shown by the latest

available Federal census. For the purpose of this paragraph, Connecticut and Vermont towns shall be considered municipalities regardless of their incorporated status.

(4) For the Interstate System, for the fiscal years ending June 30, 1957, June 30, 1958, and June 30, 1959:

One-half in the ratio which the population of each State bears to the total population of all the States as shown by the latest available Federal census, except that no States shall receive less than three-fourths of 1 per centum of the funds so apportioned; and one-half in the manner provided in paragraph (1) of this subsection. The sums authorized by section 108 (b) of the Federal-Aid Highway Act of 1956 for the fiscal years ending June 30, 1958, and June 30, 1959, shall be apportioned on a date not less than six months and not more than twelve months in advance of the beginning of the fiscal year for which authorized.

(5) For the Interstate System for the fiscal years 1960 through 1969:

In the ratio which the estimated cost of completing the Interstate System in each State, as determined and approved in the manner provided in this paragraph, bears to the sum of the estimated cost of completing the Interstate System in all of the States. Each apportionment herein authorized for the fiscal years 1960 through 1969, inclusive, shall be made on a date as far in advance of the beginning of the fiscal year for which authorized as practicable but in no case more than eighteen months prior to the beginning of the fiscal year for which authorized. As soon as the standards provided for in subsection (b) of section 109 of this title have been adopted, the Secretary, in cooperation with the State highway departments, shall make a detailed estimate of the cost of completing the Interstate System as then designated, after taking into account all previous apportionments made under this section, based upon such standards and in accordance with rules and regulations adopted by him and applied uniformly to all of the States. The Secretary shall transmit such estimates to the Senate and the House of Representatives within ten days subsequent to January 2, 1958. Upon approval of such estimate by the Congress by concurrent resolution, the Secretary shall use such approved estimate in making apportionments for the fiscal years ending June 30, 1960, June 30, 1961, and June 30, 1962. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System, after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1962. Upon approval of such estimate by the Congress by concurrent resolution, the Secretary shall use such approved estimate in making apportionments for the fiscal years ending June 30, 1963, June 30, 1964, June 30, 1965, and June 30, 1966. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System, after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1966, and annually thereafter through and including January 2, 1968. Upon approval of any such estimate by the Congress by concurrent resolution, the Secretary shall use such approved estimate in making apportionments for the fiscal year which begins next following the fiscal year in which such report is transmitted to the Senate and the House of Representatives. Whenever the Secretary, pursuant to this subsection, requests and

70 Stat. 378.  
23 USC 158.

Transmittal of  
estimates to  
Congress.



receives estimates of cost from the State highway departments, he shall furnish copies of such estimates at the same time to the Senate and the House of Representatives. In making the estimates of cost for completing the Interstate System as provided in this paragraph, the cost of completing any mileage designated from the one thousand additional miles authorized by section 108 (1) of the Federal-Aid Highway Act of 1956 shall be excluded.

70 Stat. 381.  
23 USC 157 and  
note.

(c) Not more than 20 per centum of the amount apportioned in any fiscal year, commencing with the apportionment of funds authorized to be appropriated under subsection (a) of section 102 of the Federal-Aid Highway Act of 1956 (70 Stat. 374), to each State in accordance with paragraphs (1), (2), or (3) of subsection (b) of this section may be transferred from the apportionment under one paragraph to the apportionment under any other of such paragraphs if such a transfer is requested by the State highway department and is approved by the Governor of such State and the Secretary as being in the public interest. The total of such transfers shall not increase the original apportionment under any of such paragraphs by more than 20 per centum. Nothing contained in this subsection shall alter or impair the authority contained in subsection (d) of this section.

23 USC 151.

(d) Any funds which are apportioned under paragraph (2) of subsection (b) of this section for the Federal-aid secondary system to a State in which all public roads and highways are under the control and supervision of the State highway department may, if the State highway department and the Secretary jointly agree that such funds are not needed for the Federal-aid secondary system, be expended for projects on another Federal-aid system.

(e) On or before January 1 preceding the commencement of each fiscal year, the Secretary shall certify to each of the State highway departments the sums which he has apportioned hereunder to each State for such fiscal year, and also the sums which he has deducted for administration and research pursuant to subsection (a) of this section.

### § 105. Programs

(a) As soon as practicable after the apportionments for the Federal-aid systems have been made for any fiscal year, the State highway department of any State desiring to avail itself of the benefits of this chapter shall submit to the Secretary for his approval a program or programs of proposed projects for the utilization of the funds apportioned. The Secretary shall act upon programs submitted to him as soon as practicable after the same have been submitted. The Secretary may approve a program in whole or in part, but he shall not approve any project in a proposed program which is not located upon an approved Federal-aid system.

(b) In approving programs for projects on the Federal-aid secondary system, the Secretary shall require, except in States where all public roads and highways are under the control and supervision of the State highway department, that such project be selected by the State highway department and the appropriate local officials in cooperation with each other.

(c) In approving programs for projects on the Federal-aid primary system, the Secretary shall give preference to such projects as will expedite the completion of an adequate and connected system of highways interstate in character.

(d) In approving programs for projects under this chapter, the Secretary may give priority of approval to, and expedite the construction of, projects that are recommended as important to the



national defense by the Secretary of Defense, or other official authorized by the President to make such recommendation.

(e) In approving programs in Hawaii, the Secretary shall give preference to such projects as will expedite the completion of highways for the national defense or which will connect seaports with units of the national parks.

#### **§ 106. Plans, specifications, and estimates**

(a) Except as provided in section 117 of this title, the State highway department shall submit to the Secretary for his approval, as soon as practicable after program approval, such surveys, plans, specifications, and estimates for each proposed project included in an approved program as the Secretary may require. The Secretary shall act upon such surveys, plans, specifications, and estimates as soon as practicable after the same have been submitted, and his approval of any such project shall be deemed a contractual obligation of the Federal Government for the payment of its proportional contribution thereto. In taking such action, the Secretary shall be guided by the provisions of section 109 of this title.

(b) In addition to the approval required under subsection (a) this section, proposed specifications for projects for construction the Federal-aid secondary system, except in States where all public roads and highways are under the control and supervision of the State highway department, shall be determined by the State highway department and the appropriate local officials in cooperation with each other.

(c) Items included in any such estimate for construction engineering shall not exceed 10 per centum of the total estimated cost of the project, after excluding from such total estimated cost, the estimated costs of rights-of-way, preliminary engineering and construction engineering.

#### **§ 107. Acquisition of rights-of-way—Interstate System**

(a) In any case in which the Secretary is requested by a State to acquire lands or interests in lands (including within the term "interests in lands", the control of access thereto from adjoining lands) required by such State for right-of-way or other purposes in connection with the prosecution of any project for the construction, reconstruction, or improvement of any section of the Interstate System, the Secretary is authorized, in the name of the United States and prior to the approval of title by the Attorney General, to acquire, enter upon, and take possession of such lands or interests in lands by purchase, donation, condemnation, or otherwise in accordance with the laws of the United States (including the Act of February 26, 1931, 46 Stat. 1421), if—

(1) the Secretary has determined either that the State is unable to acquire necessary lands or interests in lands, or is unable to acquire such lands or interests in lands with sufficient promptness; and

(2) the State has agreed with the Secretary to pay, at such time as may be specified by the Secretary an amount equal to 10 per centum of the costs incurred by the Secretary in acquiring such lands or interests in lands, or such lesser percentage which represents the State's pro rata share of project costs as determined in accordance with subsection (c) of section 120 of this title.

The authority granted by this section shall also apply to lands and interests in lands received as grants of land from the United States and owned or held by railroads or other corporations.

(b) The costs incurred by the Secretary in acquiring any such lands or interests in lands may include the cost of examination and

abstract of title, certificate of title, advertising, and any fees incidental to such acquisition. All costs incurred by the Secretary in connection with the acquisition of any such lands or interests in lands shall be paid from the funds for construction, reconstruction, or improvement of the Interstate System apportioned to the State upon the request of which such lands or interests in lands are acquired, and any sums paid to the Secretary by such State as its share of the costs of acquisition of such lands or interests in lands shall be deposited in the Treasury to the credit of the appropriation for Federal-aid highways and shall be credited to the amount apportioned to such State as its apportionment of funds for construction, reconstruction, or improvement of the Interstate System, or shall be deducted from other moneys due the State for reimbursement from funds authorized to be appropriated under section 108 (b) of the Federal-Aid Highway Act of 1956. 70 Stat. 378.  
23 USC 158.

(c) The Secretary is further authorized and directed by proper deed, executed in the name of the United States, to convey any such lands or interests in lands acquired in any State under the provisions of this section, except the outside five feet of any such right-of-way in any State which does not provide control of access, to the State highway department of such State or such political subdivision thereof as its laws may provide, upon such terms and conditions as to such lands or interests in lands as may be agreed upon by the Secretary and the State highway department or political subdivisions to which the conveyance is to be made. Whenever the State makes provision for control of access satisfactory to the Secretary, the outside five feet then shall be conveyed to the State by the Secretary, as herein provided.

(d) Whenever rights-of-way, including control of access, on the Interstate System are required over lands or interests in lands owned by the United States, the Secretary may make such arrangements with the agency having jurisdiction over such lands as may be necessary to give the State or other person constructing the projects on such lands adequate rights-of-way and control of access thereto from adjoining lands, and any such agency is directed to cooperate with the Secretary in this connection.

### **§ 108. Advance acquisition of rights-of-way**

(a) For the purpose of facilitating the acquisition of rights-of-way on any of the Federal-aid highway systems, including the Interstate System, in the most expeditious and economical manner, and recognizing that the acquisition of rights-of-way requires lengthy planning and negotiations if it is to be done at a reasonable cost, the Secretary, upon the request of the State highway department, is authorized to make available the funds apportioned to any State for expenditure on any of the Federal-aid highway systems, including the Interstate System, for acquisition of rights-of-way, in anticipation of construction and under such rules and regulations as the Secretary may prescribe. The agreement between the Secretary and the State highway department for the reimbursement of the cost of such rights-of-way shall provide for the actual construction of a road on such rights-of-way within a period not exceeding five years following the fiscal year in which such request is made.

(b) Federal participation in the cost of rights-of-way acquired under this section shall not exceed the Federal pro rata share applicable to the class of funds from which Federal reimbursement is made.



### § 109. Standards

(a) The Secretary shall not approve plans and specifications for proposed projects on any Federal-aid system if they fail to provide for a facility (1) that will adequately meet the existing and probable future traffic needs and conditions in a manner conducive to safety, durability, and economy of maintenance; (2) that will be designed and constructed in accordance with standards best suited to accomplish the foregoing objectives and to conform to the particular needs of each locality.

(b) The geometric and construction standards to be adopted for the Interstate System shall be those approved by the Secretary in cooperation with the State highway departments. Such standards shall be adequate to accommodate the types and volumes of traffic forecast for the year 1975. The right-of-way width of the Interstate System shall be adequate to permit construction of projects on the Interstate System up to such standards. The Secretary shall apply such standards uniformly throughout the States.

(c) Projects on the Federal-aid secondary system in which Federal funds participate shall be constructed according to specifications that will provide all-weather service and permit maintenance at a reasonable cost.

(d) On any highway project in which Federal funds hereafter participate, or on any such project constructed since December 20, 1944, the location, form and character of informational, regulatory and warning signs, curb and pavement or other markings, and traffic signals installed or placed by any public authority or other agency, shall be subject to the approval of the State highway department with the concurrence of the Secretary, who is directed to concur only in such installations as will promote the safe and efficient utilization of the highways.

(e) No funds shall be approved for expenditure on any Federal-aid highway, or highway affected under chapter 2 of this title, unless proper safety protective devices complying with safety standards determined by the Secretary at that time as being adequate shall be installed or be in operation at any highway and railroad grade crossing or drawbridge on that portion of the highway with respect to which such expenditures are to be made.

(f) The Secretary shall not, as a condition precedent to his approval under section 106 of this title, require any State to acquire title to, or control of, any marginal land along the proposed highway in addition to that reasonably necessary for road surfaces, median strips, gutters, ditches, and side slopes, and of sufficient width to provide service roads for adjacent property to permit safe access at controlled locations in order to expedite traffic, promote safety, and minimize roadside parking.

### § 110. Project agreements

(a) As soon as practicable after the plans, specifications, and estimates for a specific project have been approved, the Secretary shall enter into a formal project agreement with the State highway department concerning the construction and maintenance of such project. Such project agreement shall make provision for State funds required for the State's pro rata share of the cost of construction of such project and for the maintenance thereof after completion of construction.

(b) The Secretary may rely upon representations made by the State highway department with respect to the arrangements or agreements made by the State highway department and appropriate local officials where a part of the project is to be constructed at the expense of, or in cooperation with, local subdivisions of the State.



**§ 111. Agreements relating to use of and access to rights-of-way—  
Interstate System**

All agreements between the Secretary and the State highway department for the construction of projects on the Interstate System shall contain a clause providing that the State will not add any points of access to, or exit from, the project in addition to those approved by the Secretary in the plans for such project, without the prior approval of the Secretary. Such agreements shall also contain a clause providing that the State will not permit automotive service stations or other commercial establishments for serving motor vehicle users to be constructed or located on the rights-of-way of the Interstate System. Such agreements may, however, authorize a State or political subdivision thereof to use the airspace above and below the established grade line of the highway pavement for the parking of motor vehicles provided such use does not interfere in any way with the free flow of traffic on the Interstate System.

**§ 112. Letting of contracts**

(a) In all cases where the construction is to be performed by the State highway department or under its supervision, a request for submission of bids shall be made by advertisement unless some other method is approved by the Secretary. The Secretary shall require such plans and specifications and such methods of bidding as shall be effective in securing competition.

(b) Construction of each project, subject to the provisions of subsection (a) of this section, shall be performed by contract awarded by competitive bidding, unless the Secretary shall affirmatively find that, under the circumstances relating to such project, some other method is in the public interest. All such findings shall be reported promptly in writing to the Committees on Public Works of the Senate and the House of Representatives.

(c) The Secretary shall require as a condition precedent to his approval of each contract awarded by competitive bidding pursuant to subsection (b) of this section, and subject to the provisions of this section, a sworn statement, executed by, or on behalf of, the person, firm, association, or corporation to whom such contract is to be awarded, certifying that such person, firm, association, or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with such contract.

(d) No contract awarded by competitive bidding pursuant to subsection (b) of this section, and subject to the provisions of this section, shall be entered into by any State highway department or local subdivision of the State without compliance with the provisions of this section, and without the prior concurrence of the Secretary in the award thereof.

(e) The provisions of this section shall not be applicable to contracts for projects on the Federal-aid secondary system in those States where the Secretary has discharged his responsibility pursuant to section 117 of this title.

**§ 113. Prevailing rate of wage—Interstate System**

(a) The Secretary shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors on the initial construction work performed on highway projects on the Interstate System authorized under section 108 (b) of the Federal-Aid Highway Act of 1956, shall be paid wages at rates not less than those prevailing on the same type of work on similar construction in the immediate locality as determined by the Secretary

70 Stat. 378.  
23 USC 158.

49 Stat. 1011.

of Labor in accordance with the Act of August 30, 1935, known as the Davis-Bacon Act (40 U. S. C., sec. 276a).

(b) In carrying out the duties of subsection (a) of this section, the Secretary of Labor shall consult with the highway department of the State in which a project on the Interstate System is to be performed. After giving due regard to the information thus obtained, he shall make a predetermination of the minimum wages to be paid laborers and mechanics in accordance with the provisions of subsection (a) of this section which shall be set out in each project advertisement for bids and in each bid proposal form and shall be made a part of the contract covering the project.

#### § 114. Construction

(a) The construction of any highways or portions of highways located on a Federal-aid system shall be undertaken by the respective State highway departments or under their direct supervision. Except as provided in section 117 of this title, such construction shall be subject to the inspection and approval of the Secretary. The construction work and labor in each State shall be performed under the direct supervision of the State highway department and in accordance with the laws of that State and applicable Federal laws. Construction may be begun as soon as funds are available for expenditure pursuant to subsection (a) of section 118 of this title.

(b) Convict labor shall not be used in such construction unless it is labor performed by convicts who are on parole or probation.

#### § 115. Construction by States in advance of apportionment—Interstate System

(a) When a State has obligated all funds apportioned to it under subsection (b) (4) and (5) of section 104 of this title, and proceeds to construct any project without the aid of Federal funds, including one or more parts of any project, on the Interstate System as designated at that time, in accordance with all procedures and all requirements applicable to projects financed with Interstate System funds authorized to be appropriated under subsection (b) of section 108 of the Federal-Aid Highway Act of 1956, except insofar as such procedures and requirements limit a State to the construction of projects with the aid of Federal funds previously apportioned to it, the Secretary, upon application by such State and his approval of such application, is authorized to pay to such State the Federal share of the costs of construction of such project when additional funds are apportioned to such State under subsection (b) (4) and (5) of section 104 of this title if:

(1) prior to the construction of the project the Secretary shall have approved the plans and specifications therefor in the same manner as other projects on the Interstate System, and

(2) the project shall conform to the standards adopted under subsection (b) of section 109 of this title.

(b) In determining the apportionment for any fiscal year under the provisions of subsection (b) (5) of section 104 of this title, any such project constructed by a State without the aid of Federal funds shall not be considered completed until an application under the provisions of this section with respect to such project has been approved by the Secretary.

#### § 116. Maintenance

(a) Except as provided in subsection (d) of this section, it shall be the duty of the State highway department to maintain, or cause to be maintained, any project constructed under the provisions of this chapter or constructed under the provisions of prior Acts. The

70 Stat. 378.  
23 USC 158.



State's obligation to the United States to maintain any such project shall cease when it no longer constitutes a part of a Federal-aid system.

(b) In any State wherein the State highway department is without legal authority to maintain a project constructed on the Federal-aid secondary system, or within a municipality, such highway department shall enter into a formal agreement for its maintenance with the appropriate officials of the county or municipality in which such project is located.

(c) If at any time the Secretary shall find that any project constructed under the provisions of this chapter, or constructed under the provisions of prior Acts, is not being properly maintained, he shall call such fact to the attention of the State highway department. If, within ninety days after receipt of such notice, such project has not been put in proper condition of maintenance, the Secretary shall withhold approval of further projects of all types in the entire State until such project shall have been put in proper condition of maintenance, unless such project is subject to an agreement pursuant to subsection (b) of this section, in which case approval shall be withheld only for secondary or urban projects in the county or municipality where such project is located.

(d) The Federal-aid funds apportioned to the Territory of Alaska and the funds contributed by the Territory under section 120 of this title may be expended for the maintenance of roads within the system or systems of roads agreed upon under section 103 (f) of this title under the same terms and conditions as for the construction of such roads.

#### **§ 117. Secondary road responsibility**

(a) The Secretary may, upon the request of any State highway department, discharge his responsibility relative to the plans, specifications, estimates, surveys, contract awards, design, inspection, and construction of all projects on the Federal-aid secondary system by his receiving and approving a certified statement by the State highway department setting forth that the plans, design, and construction for each such project are in accord with those standards and procedures which (1) were adopted by such State highway department, (2) were applicable to projects in this category, and (3) were approved by him.

(b) The Secretary shall not approve such standards and procedures unless they are in accordance with the provisions of subsection (a) of section 105, subsection (b) of section 106, and subsection (c) of section 109, of this title.

(c) Subsections (a) and (b) of this section shall not be construed to relieve the Secretary of his obligation to make a final inspection of each project after construction and to require an adequate showing of the estimated cost of construction and the actual cost of construction.

#### **§ 118. Availability of sums apportioned**

(a) On and after the date that the Secretary has certified to each State highway department the sums apportioned to each Federal-aid system or part thereof pursuant to an authorization under this title, or under prior Acts, such sums shall be available for expenditure under the provisions of this title.

(b) Such sums shall continue available for expenditure in that State for the appropriate Federal-aid system or part thereof for a period of two years after the close of the fiscal year for which such sums are authorized and any amounts so apportioned remaining unexpended at the end of such period shall lapse, except that any amount apportioned to the States for the Interstate System under subsection (b)



(4) and (5) of section 104 of this title remaining unexpended at the end of the period during which it is available under this section shall lapse and shall immediately be reapportioned among the other States in accordance with the provisions of subsection (b) (5) of section 104 of this title. Such sums for any fiscal year shall be deemed to be expended if a sum equal to the total of the sums apportioned to the State for such fiscal year and previous fiscal years is covered by formal project agreements providing for the expenditure of funds authorized by each Act which contains provisions authorizing the appropriation of funds for Federal-aid highways. Any Federal-aid highway funds released by the payment of the final voucher or by the modification of the formal project agreement shall be credited to the same class of funds, primary, secondary, urban, or interstate, previously apportioned to the State and be immediately available for expenditure.

(c) The total payments to any State shall not at any time during a current fiscal year exceed the total of all apportionments to such State in accordance with section 104 of this title for such fiscal year and all preceding fiscal years.

### **§ 119. Administration of Federal aid for highways in Alaska**

(a) The Secretary shall administer the functions, duties, and authority pertaining to the construction, repair and maintenance of roads, tramways, ferries, bridges, trails, and other works in Alaska, conferred upon the Department of the Interior and, prior to September 16, 1956, administered by the Secretary of the Interior under the Act of June 30, 1932 (47 Stat. 446; 48 U. S. C., sec. 321a and following).

(b) The Secretary shall, by order or regulations, distribute the functions, duties, and authority required to be administered by him under subsection (a) of this section and appropriations pertaining thereto as he may deem proper to accomplish the economical and effective organization and administration thereof.

### **§ 120. Federal share payable**

(a) Subject to the provisions of subsections (d) and (h) of this section, the Federal share payable on account of any project, financed with primary, secondary, or urban funds, on the Federal-aid primary system and the Federal-aid secondary system shall not exceed 50 per centum of the cost of construction, except that in the case of any State containing unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, exceeding 5 per centum of the total area of all lands therein, the Federal share shall be increased by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State, is of its total area.

(b) Subject to the provisions of subsection (d) of this section, the Federal share payable on account of any project, financed with interstate funds on the Interstate System, authorized to be appropriated prior to June 29, 1956, shall not exceed 60 per centum of the cost of construction, except that in the case of any State containing unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, exceeding 5 per centum of the total area of all lands therein, the Federal share shall be increased by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State, is of its total area. The provisions of subsection

(a) of this section shall apply to any project financed with funds authorized by the provisions of section 2 of the Federal-Aid Highway Act of 1952.

(c) Subject to the provisions of subsection (d) of this section, the Federal share payable on account of any project on the Interstate System provided for by funds made available under the provisions of section 108 (b) of the Federal-Aid Highway Act of 1956 shall be

5 USC 485.

66 Stat. 159.

70 Stat. 378.  
23 USC 158.

increased to 90 per centum of the total cost thereof, plus a percentage of the remaining 10 per centum of such cost in any State containing unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, exceeding 5 per centum of the total area of all lands therein, equal to the percentage that the area of such lands in such State is of its total area, except that such Federal share payable on any project in any State shall not exceed 95 per centum of the total cost of such project.

(d) The Federal share payable on account of any project for the elimination of hazards of railway-highway crossings, as more fully described and subject to the conditions and limitations set forth in section 130 of this title, may amount to 100 per centum of the cost of construction of such projects, except that not more than 50 per centum of the right-of-way and property damage costs, paid from public funds, on any such project, may be paid from sums apportioned in accordance with section 104 of this title: *Provided*, That not more than 10 per centum of all the sums apportioned for all the Federal-aid systems for any fiscal year in accordance with section 104 of this title shall be used under this subsection.

(e) The Secretary may rely on a statement from the Secretary of the Interior as to the area of the lands referred to in subsections (a) and (b) of this section. The Secretary of the Interior is authorized and directed to provide such statement annually.

(f) The Federal share payable on account of any repair or reconstruction provided for by funds made available under section 125 of this title shall not exceed 50 per centum of the cost thereof.

(g) The Secretary is authorized to cooperate with the State highway departments and with the Department of the Interior in the construction of Federal-aid highways within Indian reservations and national parks and monuments under the jurisdiction of the Department of the Interior and to pay the amount assumed therefor from the funds apportioned in accordance with section 104 of this title to the State wherein the reservations and national parks and monuments are located.

(h) The Territory of Alaska shall contribute funds each fiscal year in an amount that shall be not less than 10 per centum of the Federal funds apportioned to it for such fiscal year, such contribution to be deposited in a special account in the Federal Treasury for use in conjunction with the Federal funds apportioned to the Territory. The Federal funds apportioned to the Territory of Alaska and the funds contributed by the Territory may be expended by the Secretary either directly or in cooperation with the Alaska Highway and Public Works Board and may be so expended separately or in combination and without regard to the matching provisions of this chapter.

### **§ 121. Payment to States for construction**

(a) The Secretary may, in his discretion, from time to time as the work progresses, make payments to a State for costs of construction incurred by it on a project. These payments shall at no time exceed the Federal share of the costs of construction incurred to the date of the voucher covering such payment plus the Federal share of the value of the materials which have been stockpiled in the vicinity of such construction in conformity to plans and specifications for the project.

(b) After completion of a project in accordance with the plans and specifications, and approval of the final voucher by the Secretary, a State shall be entitled to payment out of the appropriate sums apportioned to it of the unpaid balance of the Federal share payable on account of such project.



(c) No payment shall be made under this chapter, except for a project located on a Federal-aid system and covered by a project agreement. No final payment shall be made to a State for its costs of construction of a project until the completion of the construction has been approved by the Secretary following inspections pursuant to section 114 (a) of this title.

(d) In making payments pursuant to this section, the Secretary shall be bound by the limitations with respect to the permissible amounts of such payments contained in sections 120 and 130 of this title. Payments for construction engineering on any one project shall not exceed the 10 per centum of the Federal share of the cost of construction of such project after excluding from the cost of construction the costs of rights-of-way, preliminary engineering, and construction engineering.

(e) Such payments shall be made to such official or officials or depository as may be designated by the State highway department and authorized under the laws of the State to receive public funds of the State.

### **§ 122. Payment to States for bond retirement**

Any State that shall use the proceeds of bonds issued by the State, county, city, or other political subdivision of the State for the construction of one or more projects on the Federal-aid primary or Interstate System, or extensions of any of the Federal-aid highway systems in urban areas, may claim payment of any portion of the sums apportioned to it for expenditure on such system to aid in the retirement of the principal of such bonds at their maturities, to the extent that the proceeds of such bonds have been actually expended in the construction of one or more of such projects. Such claim for payment may be made only when all of the provisions of this title have been complied with to the same extent and with the same effect as though payment were to be made to the State under section 121 of this title, instead of this section, and the Federal share payable shall not exceed the pro rata basis of payment authorized in section 120 of this title. This section shall not be construed as a commitment or obligation on the part of the United States to provide funds for the payment of the principal of any such bonds.

### **§ 123. Relocation of utility facilities**

(a) When a State shall pay for the cost of relocation of utility facilities necessitated by the construction of a project on the Federal-aid primary or secondary systems or on the Interstate System, including extensions thereof within urban areas, Federal funds may be used to reimburse the State for such cost in the same proportion as Federal funds are expended on the project. Federal funds shall not be used to reimburse the State under this section when the payment to the utility violates the law of the State or violates a legal contract between the utility and the State. Such reimbursement shall be made only after evidence satisfactory to the Secretary shall have been presented to him substantiating the fact that the State has paid such cost from its own funds with respect to Federal-aid highway projects for which Federal funds are obligated subsequent to April 16, 1958, for work, including relocation of utility facilities.

(b) The term "utility", for the purposes of this section, shall include publicly, privately, and cooperatively owned utilities.

(c) The term "cost of relocation", for the purposes of this section, shall include the entire amount paid by such utility properly attributable to such relocation after deducting therefrom any increase in the value of the new facility and any salvage value derived from the old facility.



**§ 124. Advances to States**

If the Secretary shall determine that it is necessary for the expeditious completion of projects on any of the Federal-aid systems, including the Interstate System, he may advance to any State out of any existing appropriations the Federal share of the cost of construction thereof to enable the State highway department to make prompt payments for acquisition of rights-of-way, and for the construction as it progresses. The sums so advanced shall be deposited in a special revolving trust fund, by the State official authorized under the laws of the State to receive Federal-aid highway funds, to be disbursed solely upon vouchers approved by the State highway department for rights-of-way which have been or are being acquired, and for construction which has been actually performed and approved by the Secretary pursuant to this chapter. Upon determination by the Secretary that any part of the funds advanced to any State under the provisions of this section are no longer required, the amount of the advance, which is determined to be in excess of current requirements of the State, shall be repaid upon his demand, and such repayments shall be returned to the credit of the appropriation from which the funds were advanced. Any sum advanced and not repaid on demand shall be deducted from sums due the State for the Federal pro rata share of the cost of construction of Federal-aid projects.

**§ 125. Emergency relief**

An emergency fund is authorized for expenditure by the Secretary in accordance with the provisions of this section. The Secretary may expend funds therefrom, after receipt of an application therefor from a State highway department, for the repair or reconstruction of highways and bridges on the Federal-aid highway systems, including the Interstate System, in accordance with the provisions of this chapter which he shall find have suffered serious damage as the result of disaster over a wide area, such as by floods, hurricanes, tidal waves, earthquakes, severe storms, landslides, or other catastrophes in any part of the United States. The appropriations of such moneys, not to exceed \$30,000,000, as may be necessary for the initial establishment of this fund and for its replenishment on an annual basis is authorized. Pending such appropriation or replenishment, the Secretary may expend from existing Federal-aid highway appropriations, such sums as may be necessary for the immediate prosecution of the work herein authorized, such existing appropriations to be reimbursed from the appropriation hereinabove authorized when made. No funds shall be expended under the provisions of this section with respect to any such catastrophe in any State unless an emergency has been declared by the Governor of such State and concurred in by the Secretary.

**§ 126. Diversion**

(a) Since it is unfair and unjust to tax motor-vehicle transportation unless the proceeds of such taxation are applied to the construction, improvement, or maintenance of highways, after June 30, 1935, Federal aid for highway construction shall be extended only to those States that use at least the amounts provided by law on June 18, 1934, for such purposes in each State from State motor vehicle registration fees, licenses, gasoline taxes, and other special taxes on motor-vehicle owners and operators of all kinds for the construction, improvement, and maintenance of highways and administrative expenses in connection therewith, including the retirement of bonds for the payment of which such revenues have been pledged, and for no other purposes, under such regulations as the Secretary of Commerce shall promulgate from time to time.

(b) In no case shall the provisions of this section operate to deprive any State of more than one-third of the entire apportionment authorized under this chapter to which that State would be entitled in any fiscal year. The amount of any reduction in a State's apportionment shall be reapportioned in the same manner as any other unexpended balance at the end of the period during which it otherwise would be available in accordance with section 104 (b) of this title.

**§ 127. Vehicle weight and width limitations—Interstate System**

No funds authorized to be appropriated for any fiscal year under section 108 (b) of the Federal-Aid Highway Act of 1956 shall be apportioned to any State within the boundaries of which the Interstate System may lawfully be used by vehicles with weight in excess of eighteen thousand pounds carried on any one axle, or with a tandem-axle weight in excess of thirty-two thousand pounds, or with an overall gross weight in excess of seventy-three thousand two hundred and eighty pounds, or with a width in excess of ninety-six inches, or the corresponding maximum weights or maximum widths permitted for vehicles using the public highways of such State under laws or regulations established by appropriate State authority in effect on July 1, 1956, whichever is the greater. Any amount which is withheld from apportionment to any State pursuant to the foregoing provisions shall lapse. This section shall not be construed to deny apportionment to any State allowing the operation within such State of any vehicles or combinations thereof that could be lawfully operated within such State on July 1, 1956.

**§ 128. Public hearings**

(a) Any State highway department which submits plans for a Federal-aid highway project involving the bypassing of, or going through, any city, town, or village, either incorporated or unincorporated, shall certify to the Secretary that it has had public hearings, or has afforded the opportunity for such hearings, and has considered the economic effects of such a location. Any State highway department which submits plans for an Interstate System project shall certify to the Secretary that it has had public hearings at a convenient location, or has afforded the opportunity for such hearings, for the purpose of enabling persons in rural areas through or contiguous to whose property the highway will pass to express any objections they may have to the proposed location of such highway.

(b) When hearings have been held under subsection (a), the State highway department shall submit a copy of the transcript of said hearings to the Secretary, together with the certification.

**§ 129. Toll roads, bridges and tunnels**

(a) Notwithstanding the provisions of section 301 of this title, the Secretary may permit Federal participation, on the same basis and in the same manner as in the construction of free highways under this chapter, in the construction of any toll bridge, toll tunnel, or approach thereto, upon compliance with the conditions contained in this section. Such bridge, tunnel, or approach thereto, must be publicly owned and operated. Federal funds may participate in the approaches to a toll bridge or toll tunnel whether such bridge or tunnel is to be or has been constructed, or acquired, by the State or other public authority. The State highway department or departments must be a party or parties to an agreement with the Secretary whereby it or they undertake performance of the following obligations:

(1) all tolls received from the operation of the bridge or tunnel, less the actual cost of such operation and maintenance, shall be

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applied to the repayment to the State or other public authority of all of the costs of construction or acquisition of such bridge or tunnel, except that part which was contributed by the United States;

(2) no tolls shall be charged for the use of such bridge or tunnel after the State or other public authority shall have been so repaid; and

(3) after the date of final repayment, the bridge or tunnel shall be maintained and operated as a free bridge or free tunnel.

(b) Upon a finding by the Secretary that such action will promote the development of an integrated Interstate System, the Secretary is authorized to approve as part of the Interstate System any toll road, bridge or tunnel, now or hereafter constructed which meets the standards adopted for the improvement of projects located on the Interstate System, when such toll road, bridge or tunnel is located on a route heretofore or hereafter designated as a part of the Interstate System. No Federal-aid highway funds shall be expended for the construction, reconstruction or improvement of any such toll road, except to the extent permitted by law after June 29, 1956. No Federal-aid highway funds shall be expended for the construction, reconstruction or improvement of any such toll bridge or tunnel, except to the extent permitted by law on or after June 29, 1956.

(c) Funds authorized under prior Acts for expenditure on any of the Federal-aid highway systems, including the Interstate System, shall be available for expenditure on projects approaching any toll road, bridge or tunnel to a point where such project will have some use irrespective of its use for such toll road, bridge or tunnel.

(d) Funds authorized for the Interstate System shall be available for expenditure on Interstate System projects approaching any toll road on the Interstate System, although the project has no use other than an approach to such toll road, if an agreement satisfactory to the Secretary has been reached with the State prior to the approval of such project—

(1) that the section of toll road will become free to the public upon the collection of tolls sufficient to liquidate the cost of the toll road or any bonds outstanding at the time constituting a valid lien against such section of toll road covered in the agreement and their maintenance and operation and debt service during the period of toll collections, and

(2) that there is one or more reasonably satisfactory alternate free routes available to traffic by which the toll section of the system may be bypassed.

### **130. Railway-highway crossings**

(a) Except as provided in subsection (d) of section 120 of this title and subsection (b) of this section, the entire cost of construction of projects for the elimination of hazards of railway-highway crossings, including the separation or protection of grades at crossings, the reconstruction of existing railroad grade crossing structures, and the relocation of highways to eliminate grade crossings, may be paid from sums apportioned in accordance with section 104 of this title. In any case when the elimination of the hazards of a railway-highway crossing can be effected by the relocation of a portion of a railway at a cost estimated by the Secretary to be less than the cost of such elimination by one of the methods mentioned in the first sentence of this section, then the entire cost of such relocation project, except as provided in subsection (d) of section 120 of this title and subsection (b) of this section, may be paid from sums apportioned in accordance with section 104 of this title.



(b) The Secretary may classify the various types of projects involved in the elimination of hazards of railway-highway crossings, and may set for each such classification a percentage of the costs of construction which shall be deemed to represent the net benefit to the railroad or railroads for the purpose of determining the railroad's share of the cost of construction. The percentage so determined shall in no case exceed 10 per centum. The Secretary shall determine the appropriate classification of each project.

(c) Any railroad involved in a project for the elimination of hazards of railway-highway crossings paid for in whole or in part from sums made available for expenditure under this title, or prior Acts, shall be liable to the United States for the net benefit to the railroad determined under the classification of such project made pursuant to subsection (b) of this section. Such liability to the United States may be discharged by direct payment to the State highway department of the State in which the project is located, in which case such payment shall be credited to the cost of the project. Such payment may consist in whole or in part of materials and labor furnished by the railroad in connection with the construction of such project. If any such railroad fails to discharge such liability within a six-month period after completion of the project, it shall be liable to the United States for its share of the cost, and the Secretary shall request the Attorney General to institute proceedings against such railroad for the recovery of the amount for which it is liable under this subsection. The Attorney General is authorized to bring such proceedings on behalf of the United States, in the appropriate district court of the United States, and the United States shall be entitled in such proceedings to recover such sums as it is considered and adjudged by the court that such railroad is liable for in the premises. Any amounts recovered by the United States under this subsection shall be credited to miscellaneous receipts.

### **§ 131. Areas adjacent to the Interstate System**

(a) To promote the safety, convenience, and enjoyment of public travel and the free flow of interstate commerce and to protect the public investment in the National System of Interstate and Defense Highways, it is declared to be in the public interest to encourage and assist the States to control the use of and to improve areas adjacent to the Interstate System by controlling the erection and maintenance of outdoor advertising signs, displays, and devices adjacent to that system. It is declared to be a national policy that the erection and maintenance of outdoor advertising signs, displays, or devices within six hundred and sixty feet of the edge of the right-of-way and visible from the main-traveled way of all portions of the Interstate System constructed upon any part of right-of-way, the entire width of which is acquired subsequent to July 1, 1956, should be regulated, consistent with national standards to be prepared and promulgated by the Secretary, which shall include only the following four types of signs, and no signs advertising illegal activities:

(1) Directional or other official signs or notices that are required or authorized by law.

(2) Signs advertising the sale or lease of the property upon which they are located.

(3) Signs erected or maintained pursuant to authorization or permitted under State law, and not inconsistent with the national policy and standards of this section, advertising activities being conducted at a location within twelve miles of the point at which such signs are located.

(4) Signs erected or maintained pursuant to authorization in State law and not inconsistent with the national policy and stand-

ards of this section, and designed to give information in the specific interest of the traveling public.

(b) The Secretary of Commerce is authorized to enter into agreements with State highway departments (including such supplementary agreements as may be necessary) to carry out the national policy set forth in subsection (a) of this section with respect to the Interstate System within the State. Any such agreement shall include provisions for regulation and control of the erection and maintenance of advertising signs, displays, and other advertising devices in conformity with the standards established in accordance with subsection (a) of this section and may include, among other things, provisions for preservation of natural beauty, prevention of erosion, landscaping, reforestation, development of viewpoints for scenic attractions that are accessible to the public without charge, and the erection of markers, signs, or plaques, and development of areas in appreciation of sites of historical significance. Upon application of the State, any such agreement may, within the discretion of the Secretary of Commerce, consistent with the national policy, provide for excluding from application of the national standards segments of the Interstate System which traverse incorporated municipalities wherein the use of real property adjacent to the Interstate System is subject to municipal regulation or control, or which traverse other areas where the land use is clearly established by State law as industrial or commercial, and any such segment excluded from the application of such standards shall not be considered in computing the increase of the Federal share payable on account thereof.

(c) Notwithstanding the provisions of section 109 of this title, if an agreement pursuant to this section has been entered into with any State prior to July 1, 1961, the Federal share payable on account of any project on the Interstate System within that State provided for by funds authorized under the provisions of section 108 (b) of the Federal-Aid Highway Act of 1956, as amended by section 8 of the Federal-Aid Highway Act of 1958, to which the national policy and the agreement apply, shall be increased by one-half of one per centum of the total cost thereof, not including any additional cost that may be incurred in the carrying out of the agreement. The increase in the Federal share which is payable hereunder shall be paid only from appropriations from moneys in the Treasury not otherwise appropriated, which such appropriations are hereby authorized.

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(d) Whenever any portion of the Interstate System is located upon or adjacent to any public lands or reservations of the United States, the Secretary of Commerce may make such arrangements and enter into such agreements with the agency having jurisdiction over such lands or reservations as may be necessary to carry out the national policy set forth in subsection (a) of this section, and any such agency is authorized and directed to cooperate fully with the Secretary of Commerce in this connection.

(e) Whenever a State shall acquire by purchase or condemnation the right to advertise or regulate advertising in an area adjacent to the right-of-way of a project on the Interstate System for the purpose of implementing this section, the cost of such acquisition shall be considered as a part of the cost of construction of such project and Federal funds may be used to pay the Federal pro rata share of such cost. Reimbursement to the State shall be made only with respect to that portion of such cost which does not exceed 5 per centum of the cost of the right-of-way for such project.



**CHAPTER 2—OTHER HIGHWAYS**

Sec.

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**§ 201. Authorizations**

The provisions of this title shall apply to all unappropriated authorizations contained in prior Acts, and also to all unexpended appropriations heretofore made, providing for the expenditure of Federal funds on the following classes of highways: Forest highways, forest development roads and trails, park roads and trails, parkways, Indian reservation roads, public lands highways, and defense access roads. All such authorizations and appropriations shall continue in full force and effect, but hereafter obligations entered into and expenditures made pursuant thereto shall be subject to the provisions of this title.

**§ 202. Apportionment or allocation**

(a) On or before January 1 next preceding the commencement of each fiscal year, the Secretary shall apportion the sums authorized to be appropriated for such fiscal year for forest highways in the several States, according to the area and value of the land owned by the United States within the national forests therein, which the Secretary of Agriculture is directed to determine and certify to the Secretary from such information, sources, and departments as the Secretary of Agriculture may deem most accurate.

(b) Sums authorized to be appropriated for forest development roads and trails shall be allocated by the Secretary of Agriculture according to the relative needs of the various national forests, taking into consideration the existing transportation facilities, value of timber or other resources served, relative fire danger, and comparative difficulties of road and trail construction.

(c) Sums authorized to be appropriated for public lands highways shall be allocated by the Secretary among those States having unappropriated or unreserved public lands, nontaxable Indian lands, and other Federal reservations, on the basis of need in such States, respectively, as determined by the Secretary upon application of the State highway departments of the respective States. Preference shall be given to those projects which are located on a Federal-aid system.

**§ 203. Availability of funds**

Funds now authorized for forest highways, forest development roads and trails, park roads and trails, parkways, Indian reservation roads, and public lands highways shall be available for contract upon apportionment, or a date not earlier than one year preceding the beginning of the fiscal year for which authorized if no apportionment is required. Any amount remaining unexpended for a period of two years after the close of the fiscal year for which authorized shall lapse. The Secretary of the Department charged with the administration of such funds is granted authority to incur obligations, approve projects, and enter into contracts under such authorizations and his action in doing so shall be deemed a contractual obligation of



the United States for the payment of the cost thereof and such funds shall be deemed to have been expended when so obligated. Any funds heretofore or hereafter authorized for any fiscal year for forest highways, forest development roads and trails, park roads and trails, parkways, Indian roads, and public lands highways shall be deemed to have been expended if a sum equal to the total of the sums authorized for such fiscal year and previous fiscal years since and including the fiscal year ending June 30, 1955, shall have been obligated. Any of such funds released by payment of final voucher or modification of project authorizations shall be credited to the balance of unobligated authorizations and be immediately available for expenditure.

#### § 204. Forest highways

(a) Funds available for forest highways shall be used by the Secretary to pay for the cost of construction and maintenance thereof. In connection therewith, the Secretary may enter into construction contracts and such other contracts with a State, or civil subdivision thereof as he deems advisable.

(b) Cooperation of States, counties, or other local subdivisions, may be accepted but shall not be required by the Secretary.

(c) Construction estimated to cost \$5,000 or more per mile, exclusive of bridges, shall be advertised and let to contract. If such estimated cost is less than \$5,000 per mile or if, after proper advertising, no acceptable bid is received or the bids are deemed excessive, the work may be done by the Secretary on his own account. For such purpose, the Secretary may purchase, lease, hire, rent, or otherwise obtain all necessary supplies, materials, tools, equipment, and facilities required to perform the work, and may pay wages, salaries, and other expenses for help employed in connection with such work.

(d) All appropriations for forest highways shall be administered in conformity with regulations jointly approved by the Secretary and the Secretary of Agriculture.

(e) The Secretary shall transfer to the Secretary of Agriculture from appropriations for forest highways such amounts as may be needed to cover necessary administrative expenses of the Forest Service in connection with the forest-highway program.

(f) Funds available for forest highways shall be available for adjacent vehicular parking areas and for sanitary, water, and fire control facilities.

#### § 205. Forest development roads and trails

(a) Funds available for forest development roads and trails shall be used by the Secretary of Agriculture to pay for the cost of construction and maintenance thereof, including roads and trails, on experimental areas under Forest Service administration. In connection therewith, the Secretary of Agriculture may enter into construction contracts with a State or civil subdivision thereof, and issue such regulations as he deems advisable.

(b) Cooperation of States, counties, or other local subdivisions may be accepted but shall not be required by the Secretary of Agriculture.

(c) Construction estimated to cost \$10,000 or more per mile, exclusive of bridges, shall be advertised and let to contract. If such estimated cost is less than \$10,000 per mile or if, after proper advertising, no acceptable bid is received or the bids are deemed excessive, the work may be done by the Secretary of Agriculture on his own account. For such purpose, the Secretary of Agriculture may purchase, lease, hire, rent, or otherwise obtain all necessary supplies, materials, tools, equipment, and facilities required to perform the work, and may pay wages, salaries, and other expenses for help employed in connection with such work.

(d) Funds available for forest development roads and trails shall be available for adjacent vehicular parking areas and for sanitary, water, and fire control facilities.

**§ 206. Park roads and trails**

(a) Funds available for park roads and trails shall be used to pay for the cost of construction and improvement thereof.

(b) Appropriations for the construction and improvement of park roads shall be administered in conformity with regulations jointly approved by the Secretary and the Secretary of the Interior.

**§ 207. Parkways**

(a) Funds available for parkways shall be used to pay for the cost of construction and improvement thereof.

(b) Appropriations for the construction of parkways shall be administered in conformity with regulations jointly approved by the Secretary and the Secretary of the Interior.

(c) The location of parkways upon public lands, national forests, or other Federal reservations, shall be determined by agreement between the department having jurisdiction over such lands and the Secretary of the Interior.

**§ 208. Indian reservation roads**

(a) Funds available for Indian reservation roads and bridges shall be used to pay for the cost of construction and improvement thereof.

(b) The Secretary shall approve the location, type, and design of all projects for Indian reservation roads and bridges before any expenditures are made thereon and all construction thereof shall be under the general supervision of the Secretary.

(c) Indian labor may be employed in such construction and improvement under such rules and regulations as may be prescribed by the Secretary of the Interior.

**§ 209. Public lands highways**

(a) Funds available for public lands highways shall be used by the Secretary to pay for the cost of construction and maintenance thereof.

(b) The Secretary is authorized to cooperate with the State highway departments and with the Secretary of the Department having jurisdiction over the particular lands, in the survey, construction, and maintenance of public lands highways.

(c) The provisions of section 112 of this title are applicable to public lands highways.

**§ 210. Defense access roads**

(a) The Secretary is authorized, out of the funds appropriated for defense access roads, to provide for the construction and maintenance of defense access roads (including bridges, tubes, and tunnels thereon) to military reservations, to defense industries and defense industry sites, and to the sources of raw materials when such roads are certified to the Secretary as important to the national defense by the Secretary of Defense or such other official as the President may designate, and for replacing existing highways and highway connections that are shut off from the general public use by necessary closures or restrictions at military reservations and defense industry sites.

(b) Funds appropriated for the purposes of this section shall be available, without regard to apportionment among the several States, for paying all or any part of the cost of the construction and maintenance of defense access roads.

(c) Not exceeding \$5,000,000 of any funds appropriated under the Act approved October 16, 1951 (65 Stat. 422), may be used by the Secretary in areas certified to him by the Secretary of Defense as maneuver areas for such construction, maintenance, and repair work



as may be necessary to keep the highways therein, which have been or may be used for training of the Armed Forces, in suitable condition for such training purposes and for repairing the damage caused to such highways by the operations of men and equipment in such training.

(d) Whenever any project for the construction of a circumferential highway around a city or of a radial intracity route thereto submitted by any State is certified by the Secretary of Defense, or such other official as the President may designate, as being important for civilian or military defense, such project may be constructed out of the funds heretofore or hereafter authorized to be appropriated for defense access roads.

(e) If the Secretary shall determine that the State highway department of any State is unable to obtain possession and the right to enter upon and use the required rights-of-way, lands, or interest in lands, improved or unimproved, required for any project authorized by this section with sufficient promptness, the Secretary is authorized to acquire, enter upon, take possession thereof, and expend funds for projects thereon, prior to approval of title by the Attorney General, in the name of the United States, such rights-of-way, lands, or interest in lands as may be required in such State for such projects by purchase, donation, condemnation, or otherwise in accordance with the laws of the United States (including the Act of February 26, 1931; 46 Stat. 1421). The cost incurred by the Secretary in acquiring any such rights-of-way, lands, or interest in lands may include the cost of examination and abstract of title, certificate of title, advertising, and any fees incidental to such acquisition; and shall be payable out of the funds available for paying the cost or the Federal share of the cost of the project for which such rights-of-way, lands, or interests in lands are acquired. The Secretary is further authorized and directed by proper deed executed in the name of the United States to convey any lands or interests in lands acquired in any State under the provisions of prior Acts or of this section to the State highway department of such State or to such political subdivision thereof as its laws may provide, upon such terms and conditions as may be agreed upon by the Secretary and the State highway department, or political subdivisions to which the conveyance is to be made.

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258e.

(f) The provisions of section 112 of this title are applicable to defense access roads.

### § 211. Timber access road hearings

With respect to any proposed construction of a timber access road from funds authorized for carrying out the provisions of sections 204, 205, and 210 of this title, advisory public hearings may be held at a place of convenient or adjacent to the area of construction with notice and reasonable opportunity for interested persons to present their views as to the practicability and feasibility of such construction.

### § 212. Inter-American Highway

(a) Funds appropriated for the Inter-American Highway shall be used to enable the United States to cooperate with the Governments of the American Republics situated in Central America—that is, with the Governments of the Republic of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama—in the survey and construction of the Inter-American Highway within the borders of the aforesaid Republics, respectively. Not to exceed one-third of the appropriation authorized for each fiscal year may be expended without requiring the country or countries in which such funds may be expended to match any part thereof, if the Secretary of State shall find that the cost of constructing said highway in such country or



countries will be beyond their reasonable capacity to bear. The remainder of such authorized appropriations shall be available for expenditure only when matched to the extent required by this section by the country in which such expenditure may be made. Expenditures from the funds available on a matching basis shall not be made for the survey and construction of any portion of said highway within the borders of any country named herein unless such country shall provide and make available for expenditure in conjunction therewith a sum equal to at least one-third of the expenditures that may be incurred by that Government and the United States on such portion of the highway. All expenditures by the United States under the provisions of this section for material, equipment, and supplies shall, whenever practicable, be made for products of the United States or of the country in which such survey or construction work is being carried on. Construction work to be performed under contract shall be advertised for a reasonable period by the Minister of Public Works, or other similar official, of the government concerned in each of the participating countries and contracts shall be awarded pursuant to such advertisements with the approval of the Secretary. No part of the appropriations authorized shall be available for obligation or expenditure for work on said highway in any cooperating country unless the government of said country shall have assented to the provisions of this section; shall have furnished satisfactory assurances that it has an organization adequately qualified to administer the functions required of such country under the provisions hereof; and then only as such country may submit requests, from time to time, for the construction of any portion of the highway to standards adequate to meet present and future traffic needs. No part of said appropriations shall be available for obligation or expenditure in any such country until the government of that country shall have entered into an agreement with the United States which shall provide, in part, that said country—

(1) will provide, without participation of funds authorized, all necessary rights-of-way for the construction of said highway, which rights-of-way shall be of a minimum width where practicable of one hundred meters in rural areas and fifty meters in municipalities and shall forever be held inviolate as a part of the highway for public use;

(2) will not impose any highway toll, or permit any such toll to be charged, for use by vehicles or persons of any portion of said highway constructed under the provisions of this section;

(3) will not levy or assess, directly or indirectly, any fee, tax or other charge for the use of said highway by vehicles or persons from the United States that does not apply equally to vehicles or persons of such country;

(4) will continue to grant reciprocal recognition of vehicle registration and drivers' licenses in accordance with the provisions of the Convention for the Regulation of Inter-American Automotive Traffic, which was opened for signature at the Pan American Union in Washington on December 15, 1943, and to which such country and the United States are parties, or of any other treaty or international convention establishing similar reciprocal recognition; and

(5) will provide for the maintenance of said highway after its completion in condition adequately to serve the needs of present and future traffic.

(b) The survey and construction work authorized by this section shall be under the administration of the Secretary, who shall consult with the appropriate officials of the Department of State with respect

to matters involving the foreign relations of this Government, and such negotiations with the Governments of the American Republics named in subsection (a) of this section as may be required to carry out the purposes of this section shall be conducted through, or as authorized by, the Department of State.

(c) The provisions of this section shall not create nor authorize the creation of any obligations on the part of the Government of the United States with respect to any expenditures for highway construction or survey heretofore or hereafter undertaken in any of the countries enumerated in subsection (a) of this section, other than the expenditures authorized by the provisions of this section.

(d) Appropriations made pursuant to any authorizations heretofore, or hereafter enacted for the Inter-American Highway shall be considered available for expenditure by the Secretary for necessary administrative and engineering expenses in connection with the Inter-American Highway program.

### § 213. Rama Road

(a) Recognizing the mutual benefits that will accrue to the Republic of Nicaragua and to the United States from the completion of the road from San Benito to Rama in said Republic of Nicaragua, the construction of which road was begun and partially completed pursuant to an agreement between said Republic and the United States, the Secretary is authorized out of the funds appropriated for such purposes to provide for the construction of such road. Appropriations made for such purposes shall remain available until expended. No expenditure shall be made hereunder for the construction of said road until a request therefor shall have been received by the Secretary of State from the Government of the Republic of Nicaragua nor until an agreement shall have been entered into by said Republic with the Secretary of State which shall provide, in part, that said Republic—

(1) will provide, without participation of funds authorized under this title, or under prior Acts, all necessary right-of-way for the construction of said highway, which right-of-way shall be of a minimum width, where practicable, of one hundred meters in rural areas and fifty meters in municipalities and shall forever be held inviolate as a part of the highway for public use;

(2) will not impose any highway toll, or permit any such toll to be charged for the use of said highway by vehicles or persons;

(3) will not levy or assess, directly or indirectly, any fee, tax, or other charge for the use of said road by vehicles or persons from the United States that does not apply equally to vehicles or persons of such Republic;

(4) will continue to grant reciprocal recognition of vehicle registration and drivers' licenses in accordance with the provisions of the Convention for the Regulation of Inter-American Automotive Traffic, which was opened for signature at the Pan American Union in Washington on December 15, 1943, and to which such Republic and the United States are parties; or any other treaty or international convention establishing similar reciprocal recognition; and

(5) will maintain said road after its completion in proper condition adequately to serve the needs of present and future traffic.

(b) The funds appropriated for such purposes shall be available for expenditure in accordance with the terms of this section for the survey and construction of said road from San Benito to Rama in the Republic of Nicaragua without being matched by said Republic, and



all expenditures made under the provisions of this section for materials, equipment, and supplies, shall, whenever practicable, be made for products of the United States or of the Republic of Nicaragua.

(c) The survey and construction work undertaken pursuant to this section shall be under the general supervision of the Secretary.

### CHAPTER 3. GENERAL PROVISIONS

Sec.

- 301. Freedom from tolls.
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#### § 301. Freedom from tolls

Except as provided in section 129 of this title with respect to certain toll bridges and toll tunnels, all highways constructed under the provisions of this title shall be free from tolls of all kinds.

#### § 302. State highway department

(a) Any State desiring to avail itself of the provisions of this title shall have a State highway department which shall have adequate powers, and be suitably equipped and organized to discharge to the satisfaction of the Secretary the duties required by this title. Among other things, the organization shall include a secondary road unit.

(b) The State highway department may arrange with a county or group of counties for competent highway engineering personnel suitably organized and equipped to the satisfaction of the State highway department, to supervise construction and maintenance on a county-unit or group-unit basis, for the construction of projects on the Federal-aid secondary system, financed with secondary funds, and for the maintenance thereof.

#### § 303. Bureau organization

(a) The Bureau of Public Roads shall be in the Department of Commerce as a primary unit administered by the Federal Highway Administrator, appointed by the President by and with the advice and consent of the Senate. The Administrator shall receive basic compensation at the rate prescribed by law for Assistant Secretaries of executive departments and shall perform such duties as the Secretary of Commerce may prescribe or as may be required by law. There shall be a Commissioner of Public Roads in the Bureau of Public Roads who shall be appointed by the Secretary and perform such duties as may be prescribed by the Federal Highway Administrator. The Commissioner of Public Roads shall receive basic compensation at the rate of \$17,500 per annum.



(b) The Secretary is authorized to employ such assistants, clerks, and other persons in the city of Washington and elsewhere, to be taken from the eligible lists of the Civil Service Commission, to rent buildings outside of the city of Washington, to purchase such supplies, material, equipment, office fixtures and apparatus, to advertise in the city of Washington for work to be performed in areas adjacent thereto, and to incur, and authorize the incurring of, such travel and other expenses as he may deem necessary for carrying out the functions under this title.

(c) The Secretary is authorized to procure temporary services in accordance with the provisions of section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), but at rates for individuals not in excess of \$100 per diem. 60 Stat. 810.

#### **§ 304. Participation by small business enterprises**

It is declared to be in the national interest to encourage and develop the actual and potential capacity of small business and to utilize this important segment of our economy to the fullest practicable extent in construction of the Federal-aid highway systems, including the Interstate System. In order to carry out that intent and encourage full and free competition, the Secretary should assist, insofar as feasible, small business enterprises in obtaining contracts in connection with the prosecution of the highway program.

#### **§ 305. Archeological and paleontological salvage**

Funds authorized to be appropriated under the Federal-Aid Highway Act of 1956, to the extent approved as necessary by the highway department of any State, may be used for archeological and paleontological salvage in that State in compliance with the Act entitled "An Act for the preservation of American antiquities", approved June 8, 1906 (34 Stat. 225), and State laws where applicable. 70 Stat. 374.  
23 USC 151  
note.

#### **§ 306. Mapping**

In carrying out the provisions of this title, the Secretary may, wherever practicable, authorize the use of photogrammetric methods in mapping, and the utilization of commercial enterprise for such services. 16 USC 431-433.

#### **§ 307. Research and planning**

(a) The Secretary is authorized in his discretion to engage in research on all phases of highway construction, modernization, development, design, maintenance, safety, financing, and traffic conditions, including the effect thereon of State laws and is authorized to test, develop, or assist in the testing and developing of any material, invention, patented article, or process. The Secretary may publish the results of such research. The Secretary may carry out the authority granted hereby, either independently, or in cooperation with any other branch of the Government, State agency, authority, association, institution, corporation (profit or nonprofit), or any other organization, or person. The funds required to carry out the provisions of this subsection shall be taken out of the administrative and research funds authorized by section 104 of this title and such funds as may be deposited in a special account with the Secretary of the Treasury for such purposes by any cooperating organization or person. The provisions of section 3709 of the Revised Statutes, as amended (41 U. S. C. 5), shall not be applicable to contracts or agreements made under the authority of this subsection. 60 Stat. 809.

(b) The Secretary shall include in the highway research program herein authorized studies of economic highway geometrics, structures, and desirable weight and size standards for vehicles using the public highways and of the feasibility of uniformity in State regulations

with respect to such standards and he shall report from time to time to the Committees on Public Works of the Senate and of the House of Representatives on the progress and findings with respect to such studies.

(c) Not to exceed 11½ per centum of the sums apportioned for any year to any State under section 104 of this title shall be available for expenditure upon request of the State highway department, with the approval of the Secretary, with or without State funds, for engineering and economic surveys and investigations, for the planning of future highway programs and the financing thereof, for studies of the economy, safety, and convenience of highway usage and the desirable regulation and equitable taxation thereof, and for research necessary in connection with the planning, design, construction, and maintenance of highways and highway systems, and the regulation and taxation of their use.

### **§ 308. Cooperation with Federal and State agencies and foreign countries**

(a) The Secretary is authorized to perform by contract or otherwise, authorized engineering or other services in connection with the survey, construction, maintenance, or improvement of highways for other Government agencies, cooperating foreign countries, and State cooperating agencies, and reimbursement for such services, which may include depreciation on engineering and road-building equipment used, shall be credited to the appropriation concerned.

(b) Appropriations for the work of the Bureau of Public Roads shall be available for expenses of warehouse maintenance and the procurement, care, and handling of supplies, materials, and equipment for distribution to projects under the supervision of the Bureau of Public Roads, or for sale or distribution to other Government agencies, cooperating foreign countries, and State cooperating agencies, and the cost of such supplies and materials or the value of such equipment, including the cost of transportation and handling, may be reimbursed to current applicable appropriations.

### **§ 309. Cooperation with other American Republics**

The President is authorized to utilize the services of the Bureau of Public Roads in fulfilling the obligations of the United States under the Convention on the Pan-American Highway Between the United States and Other American Republics (51 Stat. 152), cooperating with several governments, members of the Organization of American States, in connection with the survey and construction of the Inter-American Highway, and for performing engineering service in the other American Republics for and upon the request of any agency or governmental corporation of the United States. To the extent authorized in appropriation acts, administrative funds available in accordance with subsection (a) of section 104 of this title shall be available annually for the purpose of this section.

### **§ 310. Civil defense**

In order to assure that adequate consideration is given to civil defense aspects in the planning and construction of highways constructed or reconstructed with the aid of Federal funds, the Secretary of Commerce is authorized and directed to consult, from time to time, with the Federal Civil Defense Administrator relative to the civil defense aspects of highways so constructed or reconstructed.



**§ 311. Highway improvements strategically important to the national defense**

Funds made available under subsection (a) of section 104 of this title may be used to pay the entire engineering costs of the surveys, plans, specifications, estimates, and supervision of construction of projects for such urgent improvements of highways strategically important from the standpoint of the national defense as may be undertaken on the order of the Secretary and as the result of request of the Secretary of Defense or such other official as the President may designate. With the consent of a State, funds made available under subsection (b) of section 104 of this title may be used to the extent deemed necessary and advisable by the Secretary to carry out the provisions of this section.

**§ 312. Detail of Army, Navy, and Air Force officers**

The Secretary of Defense, upon request of the Secretary, is authorized to make temporary details to the Bureau of Public Roads of officers of the Army, the Navy, and the Air Force, without additional compensation, for technical advice and for consultation regarding highway needs for the national defense. Travel and subsistence expenses of officers so detailed shall be paid from appropriations available to the Department of Commerce on the same basis as authorized by law and by regulations of the Department of Defense for such officers.

**§ 313. Highway Safety Conference**

The Secretary is authorized and directed to assist in carrying out the action program of the President on highway safety, and to cooperate with the State highway departments and other agencies in this program to advance the cause of safety on highways. Not to exceed \$150,000 out of the administrative funds made available in accordance with subsection (a) of section 104 of this title may be expended annually for the purposes of this section.

**§ 314. Relief of employees in hazardous work**

The Secretary is authorized in an emergency to use appropriations to the Department of Commerce for carrying out the provisions of this title for medical supplies, services, and other assistance necessary for the immediate relief of employees of the Bureau of Public Roads engaged in hazardous work.

**§ 315. Rules, regulations, and recommendations**

Except as provided in sections 204 (d), 205 (a), 206 (b), 207 (b), and 208 (c) of this title, the Secretary is authorized to prescribe and promulgate all needful rules and regulations for the carrying out of the provisions of this title. The Secretary may make such recommendations to the Congress and State highway departments as he deems necessary for preserving and protecting the highways and insuring the safety of traffic thereon.

**§ 316. Consent by United States to conveyance of property**

For the purposes of this title the consent of the United States is given to any railroad or canal company to convey to the State highway department of any State, or its nominee, any part of its right-of-way or other property in that State acquired by grant from the United States.



**§ 317. Appropriation for highway purposes of lands or interests in lands owned by the United States**

(a) If the Secretary determines that any part of the lands or interests in lands owned by the United States is reasonably necessary for the right-of-way of any highway, or as a source of materials for the construction or maintenance of any such highway adjacent to such lands or interests in lands, the Secretary shall file with the Secretary of the Department supervising the administration of such lands or interests in lands a map showing the portion of such lands or interests in lands which it is desired to appropriate.

(b) If within a period of four months after such filing, the Secretary of such Department shall not have certified to the Secretary that the proposed appropriation of such land or material is contrary to the public interest or inconsistent with the purposes for which such land or materials have been reserved, or shall have agreed to the appropriation and transfer under conditions which he deems necessary for the adequate protection and utilization of the reserve, then such land and materials may be appropriated and transferred to the State highway department, or its nominee, for such purposes and subject to the conditions so specified.

(c) If at any time the need for any such lands or materials for such purposes shall no longer exist, notice of the fact shall be given by the State highway department to the Secretary and such lands or materials shall immediately revert to the control of the Secretary of the Department from which they had been appropriated.

(d) The provisions of this section shall apply only to projects constructed on a Federal-aid system or under the provisions of chapter 2 of this title.

**§ 318. Highway relocation due to airport**

Federal highway funds shall not be used for the reconstruction or relocation of any highway giving access to an airport constructed or extended after December 20, 1944, or for the reconstruction or relocation of any highway which has been or may be closed or the usefulness of which has been or may be impaired by the location or construction of any airport constructed or extended after December 20, 1944, unless, prior to such construction or extension, as the case may be, the State highway department and the Secretary have concurred with the officials in charge of the airport that the location of such airport or extension thereof and the consequent reconstruction or relocation of the highway are in the public interest.

**§ 319. Landscaping**

The construction of highways by the States with funds apportioned in accordance with section 104 of this title may include such roadside and landscape development, including such sanitary and other facilities as may be deemed reasonably necessary to provide for the suitable accommodation of the public, all within the highway right-of-way and adjacent publicly owned or controlled rest and recreational areas of limited size and with provision for convenient and safe access thereto by pedestrian and vehicular traffic, as may be approved by the Secretary. Such construction likewise may include the purchase of such adjacent strips of land of limited width and primary importance for the preservation of the natural beauty through which highways are constructed, as may be approved by the Secretary. Not to exceed 3 per centum of such sums, apportioned to a State in any fiscal year in accordance with section 104 of this title may be used by it for the purchase of such adjacent strips of land without being matched by such State.

**§ 320. Bridges on Federal dams**

(a) Each executive department, independent establishment, office, board, bureau, commission, authority, administration, corporation wholly owned or controlled by the United States, or other agency of the Government of the United States, hereinafter collectively and individually referred to as "agency", which on or after July 29, 1946, has jurisdiction over and custody of any dam constructed or to be constructed and owned by or for the United States, is authorized, with any funds available to it, to design and construct any such dam in such manner that it will constitute and serve as a suitable and adequate foundation to support a public highway bridge upon and across such dam, and to design and construct upon the foundation thus provided a public highway bridge upon and across such dam. The highway department of the State in which such dam shall be located, jointly with the Secretary, shall first determine and certify to such agency that such bridge is economically desirable and needed as a link in the State or Federal-aid highway systems, and shall request such agency to design and construct such dam so that it will serve as a suitable and adequate foundation for a public highway bridge and to design and construct such public highway bridge upon and across such dam, and shall agree to reimburse such agency pursuant to subsection (d) of this section for any additional costs which it may be required to incur because of the design and construction of such dam so that it will serve as a foundation for a public highway bridge and for expenditures which it may find it necessary to make in designing and constructing such public highway bridge upon and across such dam. In no case shall the design and construction of a bridge upon and across such dam be undertaken hereunder except by the agency having jurisdiction over and custody of the dam, acting directly or through contractors employed by it, and after such agency shall determine that it will be structurally feasible and will not interfere with the proper functioning and operation of the dam.

(b) Construction of any bridge upon and across any dam pursuant to this section shall not be commenced unless and until the State in such State, shall enter into an agreement with such agency and with which such bridge is to be located, or the appropriate subdivision of the Secretary to construct, or cause to be constructed, with or without the aid of Federal funds, the approach roads necessary to connect such bridge with existing public highways and to maintain, or cause to be maintained, such approach roads from and after their completion. Such agreement may also provide for the design and construction of such bridge upon and across the dam by such agency of the United States and for reimbursing such agency the costs incurred by it in the design and construction of the bridge as provided in subsection (d) of this section. Any such agency is hereby authorized to convey to the State, or to the appropriate subdivision thereof, without costs, such easements and rights-of-way in its custody or over lands of the United States in its custody and control as may be necessary, convenient, or proper for the location, construction, and maintenance of the approach roads referred to in this section including such roadside parks or recreational areas of limited size as may be deemed necessary for the accommodation of the traveling public. Any bridge constructed pursuant to this section upon and across a dam in the custody and jurisdiction of any agency of the United States, including such portion thereof, if any, as may extend beyond the physical limits of the dam, shall constitute and remain a part of said dam and be maintained by the agency. Any such agency may enter into any such contracts and agreements with the State or its subdivisions respecting public use of any bridge so located and constructed as may be deemed appropriate,



but no such bridge shall be closed to public use by the agency except in cases of emergency or when deemed necessary in the interest of national security.

(c) All costs and expenses incurred and expenditures made by any agency in the exercise of the powers and authority conferred by this section (but not including any costs, expenses, or expenditures which would have been required in any event to satisfy a legal road or bridge relocation obligation or to meet operating or other agency needs) shall be recorded and kept separate and apart from the other costs, expenses, and expenditures of such agency, and no portion thereof shall be charged or allocated to flood control, navigation, irrigation, fertilizer production, the national defense, the development of power, or other program, purpose, or function of such agency.

(d) Not to exceed \$10,000,000 of any money heretofore or hereafter appropriated for expenditure in accordance with the provisions of this title or prior Acts shall be available for expenditure by the Secretary in accordance with the provisions of this section, as an emergency fund, to reimburse any agency for any additional costs or expenditures which it may be required to incur because of the design and construction of any such dam so that it will constitute and serve as a foundation for a public highway bridge upon and across such dam and to reimburse any such agency for any costs, expenses, or expenditures which it may be required to make in designing and constructing any such bridge upon and across a dam in accordance with the provisions of this section, except such costs, expenses, or expenditures as would have been required of such agency in any event to satisfy a legal obligation to relocate a highway or bridge or to meet operating or other agency needs, and there is authorized to be appropriated any sum or sums necessary to reimburse the funds so expended by the Secretary from time to time under the authority of this section. Of each bridge constructed upon and across a dam under the provisions of this section, there may be financed wholly with Federal funds that portion thereof which is located within the physical limits of the masonry structure, or structures, of the dam, and the Secretary shall in his sole discretion determine what additional portion of the bridge, if any, may be so financed, such determination to be final and conclusive. The remainder of the bridge, and any necessary related approach roads, shall be financed by the State or its appropriate subdivision with or without the aid of Federal funds; but said portion of the bridge so financed by the State or its subdivisions, including such portion thereof, if any, as may extend beyond the physical limits of the dam, shall nevertheless be designed and constructed solely by the agency having custody and jurisdiction of the dam as provided in subsection (a) of this section.

(e) In making, reviewing, or approving the design of any bridge or approach structure to be constructed under this section, the agency shall, in matters relating to roadway design, loadings, clearances and widths, and traffic safeguards, give full consideration to and be guided by the standards and advice of the Secretary.

(f) The authority conferred by this section shall be in addition to and not in limitation of authority conferred upon any agency by any other law, and nothing in this section contained shall affect or be deemed to relate to any bridge, approach structure, or highway constructed or to be constructed by any such agency in furtherance of its lawful purposes and requirements or to satisfy a legal obligation incurred independently of this section.



## REPEAL OF PRIOR ACTS

SEC. 2. The following Acts and portion of Acts cited by reference to the Statutes at Large, except for the provisions and sections hereinafter excepted, are hereby repealed:

1. Act of July 11, 1916 (39 Stat., ch. 241, page 355).
2. Sections 5, 6, 7, 8, and 9 of Act of February 28, 1919 (40 Stat., ch. 60, page 1189 at 1200-1202).
3. Act of November 9, 1921 (42 Stat., ch. 119, page 212).
4. Section 4 of Act of June 19, 1922 (42 Stat., ch. 227, page 652 at 660-661).
5. Section 1 of Act of March 10, 1924 (43 Stat., ch. 46, page 17).
6. Act of February 12, 1925 (43 Stat., ch. 219, page 889).
7. Act of June 22, 1926 (44 Stat., ch. 648, page 760).
8. Act of March 3, 1927 (44 Stat., ch. 370, page 1398).
9. Act of May 21, 1928 (45 Stat., ch. 660, page 683).
10. Act of May 26, 1928 (45 Stat., ch. 755, page 750).
11. Act of April 4, 1930 (46 Stat., ch. 105, page 141).
12. Act of May 5, 1930 (46 Stat., ch. 226, page 261).
13. Act of June 24, 1930 (46 Stat., ch. 593, page 805).
14. Act of February 20, 1931 (46 Stat., ch. 231, page 1173).
15. Act of February 23, 1931 (46 Stat., ch. 283, page 1415).
16. Section 304 of Act of July 21, 1932 (47 Stat., ch. 520, page 709 at 722).
17. Subsection (g) of section 204 of Act of June 16, 1933 (48 Stat., ch. 90, page 195 at 204).
18. Act of June 18, 1934 (48 Stat., ch. 586, page 993).
19. Act of June 16, 1936 (49 Stat., ch. 582, page 1519).
20. Act of June 23, 1936 (49 Stat., ch. 730, page 1891).
21. Act of June 8, 1938 (52 Stat., ch. 328, page 633), except the following provision: Section 4 thereof.
22. Act of July 19, 1939 (53 Stat., ch. 328, page 1066).
23. Act of September 5, 1940 (54 Stat., ch. 715, page 867).
24. Act of November 19, 1941 (55 Stat., ch. 474, page 765).
25. Act of July 2, 1942 (56 Stat., ch. 474, page 562).
26. Act of July 13, 1943 (57 Stat., ch. 236, page 560), except the following provision: Subsection (a) of section 7 thereof.
27. Act of April 4, 1944 (58 Stat., ch. 164, page 189).
28. Act of December 20, 1944 (58 Stat., ch. 626, page 838).
29. Act of July 31, 1945 (59 Stat., ch. 333, page 507).
30. Act of July 29, 1946 (60 Stat., ch. 694, page 709).
31. Act of June 21, 1947 (61 Stat., ch. 114, page 136).
32. Act of June 29, 1948 (62 Stat., ch. 732, page 1105).
33. Act of September 7, 1950 (64 Stat. 785).
34. Act of October 15, 1951 (65 Stat., ch. 501, page 421), except the following provision: Section 1 thereof.
35. Act of October 16, 1951 (65 Stat., ch. 507, page 422).
36. Act of June 25, 1952 (66 Stat., ch. 462, page 158), except the following provisions:
  - (a) The first two paragraphs of section 1;
  - (b) The first sentence of section 2;
  - (c) In section 3 in the first sentence the following words: "For the purpose of carrying out the provisions of section 23 of the Federal Highway Act (42 Stat. 218), as amended and supplemented, there is hereby authorized to be appropriated (1) for forest highways the sum of \$22,500,000 for the fiscal year ending June 30, 1954, and a like sum for the fiscal year ending June 30, 1955, and (2) for forest development roads and trails the sum of \$22,500,000 for the fiscal year ending June 30, 1955.";

16 USC 8a-8c.

(d) In subsection (a) of section 4 the following words: "For the construction, reconstruction, and improvement of roads and trails, inclusive of necessary bridges, in national parks, monuments, and other areas administered by the National Park Service, including areas authorized to be established as national parks and monuments, and national park and monument approach roads authorized by the Act of January 31, 1931 (46 Stat. 1053), as amended, there is hereby authorized to be appropriated the sum of \$10,000,000 for the fiscal year ending June 30, 1955.";

(e) Subsection (b) of section 4;

25 USC 318a.

(f) In subsection (c) of section 4 the following words: "For the construction, improvement, and maintenance of Indian reservation roads and bridges and roads and bridges to provide access to Indian reservations and Indian lands under the provisions of the Act approved May 26, 1928 (45 Stat. 750), there is hereby authorized to be appropriated the sum of \$10,000,000 for the fiscal year ending June 30, 1955.";

(g) In the first sentence of section 5 the following words: "Recognizing the mutual benefits that will accrue to the Republic of Nicaragua and to the United States from the completion of the road from San Benito to Rama in said Republic of Nicaragua, the construction of which road was begun and partially completed pursuant to an agreement between said Republic and the United States, there is hereby authorized to be appropriated \$2,000,000 for the fiscal year ending June 30, 1954, for the construction of such road, to be available until expended.";

(h) The first sentence of section 6;

(i) In section 8 the following words: "For the purpose of carrying out the provisions of section 10 of the Federal-Aid Highway Act of 1950 (64 Stat. 785), there is hereby authorized to be appropriated for the survey, construction, reconstruction, and maintenance of main roads through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations the sum of \$2,500,000 for the fiscal year ending June 30, 1955, to remain available until expended."

(j) Section 10 to the first proviso.

37. Act of May 6, 1954 (68 Stat., ch. 181, page 70), except the following provisions:

(a) The first two paragraphs of section 1;

(b) The last five provisos of section 1;

(c) The first sentence of subsection (a) of section 2;

(d) The first sentence of section 3 to the word "Provided";

(e) Section 4 to the word "Provided";

(f) Section 5;

(g) The first sentence of section 7;

(h) Section 8 to the word "Provided";

(i) Section 14;

(j) Section 18; and

(k) Section 22.

38. Title I of the Act of June 29, 1956 (70 Stat. 374), except the following provisions:

(a) Subsection (a) (1) (2) of section 102;

(b) The first sentence of section 103 (a) to the word "Provided";

(c) Section 104 (a), section 104 (b) and section 104 (c), to the word "Provided";

(d) Section 105;

(e) Subsections (b), (c) and (d) of section 107;

(f) Section 108 (b) and (c);

(g) Section 108 (k);

- (h) Section 114;
- (i) Section 117; and
- (j) The last proviso of section 118.

39. Sections 1 and 3 of the Act approved August 3, 1956 (70 Stat. 990).

40. Act of April 16, 1958 (72 Stat. 89) except the following provisions:

- (a) Subsection (a) (1) (2) of section 1;
- (b) Section 2;
- (c) The first sentence of section 3 (a) to the word "*Provided*" and the third, fourth and fifth provisos;
- (d) Subsection (b) of section 3;
- (e) Section 4 (a), section 4 (b) and section 4 (c) to the word "*Provided*";
- (f) Section 5;
- (g) Section 7;
- (h) Section 8; and
- (i) Section 9.

#### CONSTRUCTION

SEC. 3. (a) If any provision of title 23, as enacted by section 1 of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the title and the application of the provision to other persons or circumstances shall not be affected thereby.

(b) The provisions of this Act shall be subject to Reorganization Plan Numbered 5 of 1950 (64 Stat. 1263).

5 USC 133z-  
15 note.

#### SAVINGS CLAUSE

SEC. 4. Any rights or liabilities now existing under prior Acts or portions thereof shall not be affected by the repeal of such prior Acts or portions under section 2 of this Act.

#### REPORT AND RECOMMENDATIONS

SEC. 5. The Secretary of Commerce is hereby directed to submit to the Congress not later than February 1, 1959, a report on the progress made in attaining the objectives set forth in section 101 of title 23, as enacted by section 1 of this Act, together with recommendations.

Report to  
Congress.

Approved August 27, 1958.



